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International Court of Justice

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Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et all, Defendants, sitting at Nurnberg, Germany on 11 March 1946, 1000 - 1245, Lord Justice Lawrence presiding.

THE PRESIDENT : Dr. Laternser, had you finished your examination?

DR. LATERNSER (Counsel for the OKW and General Staff): I have only a few more questions to ask the witness.

DIRECT EXAMINATION

BY DR. LATERNSER:

Q Witness, I should like to return very briefly to the question of the preparation for war of the Luftwaffe in the year 1939, to what extent they were not prepared for war. In this connection I should like to ask whether the collaboration of the Luftwaffe with the OKW, Army and Navy did not exist in 1939?

A In 1939 the Luftwaffe was in my conviction not prepared for a large scale war nor were the others. They had reached no agreements with the other parts of the armed forces. I know nothing of any such preparations.

Q If these agreements with the other parts of the armed forces had been existent, then you would have known of them?

A I should like to assume since I was involved in these questions at that time that that is so.

Q Was the collaboration between the most important parts of the air force pretty close in the year 1937?

A There was the General Staff of the technical department and the personnel office. They all worked more or less separately, each for itself.

Q You just mentioned the General Staff. What do you understand by the German General Staff of the Luftwaffe?

A General Staff means in German, assistant to the leadership, that is, higher officers with special training who advised the commanders of the groups and assisted them.

Q Of what did the Luftwaffe of the General Staff consist?

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A First the Chief of the General Staff of the armed forces and upwards, who was at the disposal of the General Staff, also those officers who, as outside General Staff officers, were at the disposal of the Navy and the individual squadrons.

Q What were the conditions for promotions?

A They were not ordered but were simply discussed shortly before the outbreak of the war. We wanted to set up a larger air force at the time that should be completed six to eight years hence.

Q When would this limit have been reached? When would it have been finished?

A About the year 1944-1946.

THE PRESIDENT: Not only is there some technical fault, we are getting two translations at once, but both the witness and the counsel are going too fast.

Q In the year 1939 was there an organization of day and night raiders?

A No, it did not at that time exist.

Q Was there an organization for bombing warfare?

A Not in that sense in which it would have been necessary for a war of aggression.

Q To what extent were at that time air field organizations ready?

A Through the air fields there were thousand-meter long runways. These runways sufficed for fighters but not for loaded bombers.

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Q What was the Intelligence situation?

A The leadership network was not present. It had to be improvised later during the war.

Q How was the Aircraft Observation Service?

A That also was not organized.

On the question of the bombers, I might add that it is significant that originally in the first years large bomber types, four-motor bombers, which were designed for use at night---steps in that direction were undertaken. These bombers, however, I believe in the year 1937 were abandoned, although they were technically in order. It was believed that the expenditures involved in building such large bombers could be spared since no one was counting on a war at that time. This was at the time when Fieldmarshal Milch was Chief of the General Staff. This was submitted to the Reichsmarshal for decision, and he decided that these large bombers should be eliminated from the armaments program.

Q At which time was this?

A Just a moment, I will look it up. On the 29th of April 1937, the Reichsmarshal on the commission of the General Staff stopped the production of these large bombers. In this way it came about that in 1939 bombers designed for night bombing were not available, bombers which might have been compared with the English type, such as Lancaster bombers.

Q What was the personnel of the Air Force?

A There was at that time a rather small Luftwaffe and just enough personnel reserve. In this personnel reserve there were great difficulties. The question of the timing depended upon the personnel. It would have been possible to build airplanes quicker, but it would not have been possible to expand the development of the personnel.

As I said before, the great weight had to be laid on the question of when the program would be finished. It would have had a purpose to build up the personnel. Half trained people are less use than none.

THE PRESIDENT: Dr. Laternser, I don't want to interrupt your cross examination, but we have been sitting here for nearly 20 minutes now,

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and all I have got from it is that the Luftwaffe wasn't ready for war in 1939. It seems to me too much time is being taken up with detail.

BY DR. LATERNSER:

Q I have simply one more question in this matter. Were there reserves of aluminum and magnesium available, or were there other possibilities of acquiring these materials?

A Not to the necessary extent.

Q Then one last question. Witness, during your testimony on Friday, you mentioned Basic Order Number 1. You also gave us the content of this order. Now, in regard to this order I have this question. Was this order strictly observed or not?

A Yes, extraordinarily strict.

DR. LATERNSER: I have no further questions to the witness.

THE PRESIDENT: Do any of the other defendants' counsel wish to ask the witness any questions?

DR. FLAECHSNER (Counsel for Speer): I'd like to ask the witness a few questions.

BY DR. FLAECHSNER:

Q Witness, do you remember from what time on Hitler furthered the building of factories to build bombers?

A So far as I can recall, from the moment of the heavy English attacks in the year 1943 on.

Q Do you remember a conference on the Obersalzberg in the beginning of April, 1944, and do you remember what was said then regarding the difficulties in construction, what was told Hitler about these matters and what Hitler ordered?

A Yes. At that time the Fuehrer had, I believe, asked for factories, six of them, 100,000 square meters in floor space each, and protected from air raids. Speer also at a subsequent time -- in April he was not there; he was sick--but later Speer raised objections to this. He considered the extent of this construction work was much too large and also much too belated. Later he pressed through the order that all buildings that weren't usable in July 1944, that those that could not be put into practical use should from that time on be abandoned.

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Q As regards the worker question, in this discussion at the Obersalzberg, did the Fuehrer point out where we could find the working force to build these factories that he wanted?

A Yes. I believe I recall that on the objection of one of the people there, he would take care of the working forces to build those factories.

Q You said, Mr. Witness, that Speer was against this construction. How did things develop from then on? Speer was not present then?

A No, he was not there.

Q Can you tell us briefly just what took place?

A- During his sickness applications reached the Fuehrer from other sides that this construction should be separated from Speer's function. Difficulties arose, since theoretically this construction was under Speer's command and could not be withdrawn from his purview altogether. He had himself no further influence.

Then the construction department of the O.T. was associated directly with the Fuehrer, and Speer was subsequently eliminated. One was speaking at that time a great deal of large scale construction, that there was no working force available for such construction.

Q Did Hitler direct a written order to Herr Dorsch regarding Speer's connection with this?

A As far as I can recall, such a written order did exist and also was sent to Speer. I recall rather vaguely that Speer once showed me such an order.

Q One last question on this matter. According to that, then, Herr Dorsch took over the responsibility for these construction works that were immediately ordered by the Fuehrer.

A Yes.

Q Can you tell me whether this planning was justified, from the point of view of the available German working forces available and the possibilities of signing up this work? Was there any such decision?

A The Central Planning was only there for the distribution of raw material and also to bring a certain order into all questions of

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transportation, independent of the shortage of the war materials. On the question of the availability of working forces it had no command authority. Also, the distribution of workers was influenced in part by the Central Planning Board, since the armaments industry could see what was necessary in each regard. But great difficulties arose so that practically this work had to be abandoned by the Central Planning Committee.

Q So decisions were not reached. We have heard affidavits stating that there were workers problems in the Central Planning.

A The armaments offices that werehere concerned had a great interest in this. There were other questions also, the question of accommodations, as well as other matters.

Q One last question on this point. Was the General Plenipotentiary for Labor for the Arbeitseinsatz in any way definitive in the entire planning of the distribution of the working forces?

A No.

Q Were there in the years 1943 or 1944 available work reserves? When did Spper demand these reserve work forces, or did he?

A Yes; Speer was very anxious that the available German work reserves should be included in the whole economic structure, if possible female workers, women from professions, who, other than their household duties had nothing to do.

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Q Witness, you said before that Speer was sick in April 1944. Could you tell us something about that?

A The sickness began in February and lasted until about June.

Q Do you know anything about the fact that this sickness was used to limit Speer's influence and who would have been interested in such matters?

A The limitation took place in the above mentioned construction. It is so hard to name all of those that might have had something to do to limit Speer's power.

Q Did that have anything to do with the 20th of July, the assasssination day?

A Speer's position was difficult. It was Speer's total attitude that became different more and more from that of the Fuehrer.

Q May I ask you to turn now to something else. In February 1944, through an order of Hitler, Speer was transferred to the Truck Department, and, if I am correctly informed, he was named as his representative. Could you tell us to what extent armament depends on the transportation situation?

A The transportation situation had been so burtally attacked by Allied airmen that armament goods and also other goods could not be transported, particularly great factories in the Ruhrgebeit could not transport their goods to the middle area and Berlin. Extraordinary measures were taken in this regard and begun so that total collapse could be avoided in the field of transportation. That was the general situation.

Q And was Speer--on the basis of his commission, would he make special arrangements to transport armaments other than other things?

A No. The entire armament industry could produce nothing more than it was already producing at this time. He laid main emphasis on food for the population, not on armaments; also on the removal of food fromthose German territories that would be lost to the enemy.

Q Were these measures toassure the present food supply or did they have a larger importance?

A These were measures to assure that the largest possible amounts that were there could be assured and transported. A particularly

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difficult matter at that time was the question of truck transportation.

Q Was the number of trucks and the amount of gasoline limited, and what did Speer do regarding trucks in the middle of February 1942?

A I know that the trucks were so few for the armament industry that they didn't suffice; also substitutes had to be found, electrical machines and even horses, etc. Here, too, so far as I know, Speer used this means of transportation for the German population to distribute food and to make that distribution possible.

Q This was one of the main bottlenecks?

A Yes, it was the main bottleneck.

Q Did you know, witness, whether Speer since Feburary, 1945, undertook the repair of the oxygen works that made fuel, whether he put this on a secondary level?

A Yes. I know, because Speer discussed it with me very extensively--the question of wat--since collapse was imminent and inevitable--what was most needed to be done. His opinion was that the only thing to do was to help the German people as much as possible in order to make the very difficult times that would follow the war, as easy as possible. There was, on the one hand, the question of food, of housing, of transportation of food and its distribution; subsequently, prevention of the destruction of all German factories that were still in our hands, contrary to the orders Hitler issued on the "scorch-the-earth" policy. Thirdly, commission of the industry with peace other than war production, to the extent that those factories still stood at all; of production, of agricultural machines, of replacement parts for such machines and such matters. Once these orders were turned in, they would have repercussions for instance, if the factory came into enemy hands or, if after the conclusion of the war, the war orders were automatically cancelled by the Government.

Q Witness, I should like to ask you only one more thing. Can you give us more details regarding the prevention of destruction--

THE PRESIDENT: Dr. Flaechsner, will you explain to me why this evidence that you are calling now is relevant and to what charge it is relevant?

DR. FLAECHSNER: Mr. President, the Defendant Speer is charged with the common conspiracy and with the common planning and waging of an

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aggressive war untilthe 7th of May 1945. If I can demonstrate that, at last, for a considerable time before hand, the Defendant Speer was active in a way that had nothing to do with this conspiracy or planning, then I believe that this is important for the judgement to what extent he can be charged as to the Indictment.

THE PRESIDENT: All the evidence that you have been giving for the last fifteen minutes was related to 1943 and 1944, and is related to conferences with reference to the erection of factories for the production of bombers and the fact that, as far as I have understood it, the fact that Speer was engaged more on attempting to feed the German people than to build armament factories. What that has to do with it, I haven't any idea.

DR. FLAECHSNER: The first point related to a Document 4584-PS, in which the prosecution submitted a charge against my client, and it is stated that in a conference at Obersalzberg, the construction of particular factories was ordered and that for this construction, several hundred thousand Jews were used. I should like to establish that the Defendant Speer did not have any responsibility for this construction, since Hitler gave this commission for this construction directly to someone else. This point that the prosecution has submitted in support of its case could thereby be eliminated. That wasthe point of my first question. Now, the point of my second question, the purpose of my second question regarding Speer's effort to increase agricultural works is related to Speer, for all these activities which the witness has testified to, have exactly the opposite effect from that which the prosecution charges the defendant with. They did not serve war economy.

THE PRESIDENT: There is no charge against Speer on the ground that he attempted to feed the German people during the war. The prosecution haven't laid that against him as a charge. Now, it is simply a waste of time.

DR. FLAECHSNER: Mr. President, I never said that the prosecution raised this charge against him. There must be some mistake.

BY DR. FLAECHSNER:

Q I have one last question, witness. Can you tell us something about the extent to which the Fuehrer gave reports on the extent of

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serious damage?

A He gave him such reports and pointed them out again and again.

DR. FLAECHSNER: I thank you.

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BY DR. ROBERT SERVATIUS: (Counsel for the defendant Sauckel)

Q The Central Panel was concerned with workers' plan, was it not?

A Yes.

Q From the need for workers?

A And after that they took the factory industry, and reported through the workers docket. This is in the armament industry also.

Q May I interruptyou. After the need was established, for what purpose was this need determined?

A It became how many workers there were, or lacking, and how many they could have for work.

Q Did this not take place when they demanded workers for work?

A The demand came from the industry in which was submitted the demand to Sauckel, who was told that such an industry could not expect such work in the amount of work that they were entitled to make.

Q Do you know the total number?

A No, I think that I mentioned the total number as they were assembled by the offices of the administration of Sauckel.

Q But as to conducting the need, Sauckel had that prorated?

A That was prorated.

Q What was the job of the Central Panel regarding this question?

A It had to take care of the distribution of raw material, and also had to do with their production.

Q I am not asking about that of raw material, but about the workers?

A You are missing what I said before, as on direct examination I brought that up.

Q Of raw material?

A The raw material had to be found, and in order to find it the workers had to be used. For example, in mining, or in the aluminium factori

Q May I interrupt you. It is clear that men were needed for producti I know, but I am asking you about the workers, and in the final determining part that was necessary.

A The industry made the demand, and Sauckel made the decision on the basis of what he should provide, and as the time became less, and ran on --

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Q Was he entirely independant, or did the Fuehrer have something to do with the decisions?

A So far as I know the Fuehrer had a great deal to do in this matter; often it was his decision, and I noticed that Sauckel often conferred with Hitler on this matter.

Q What about conferences on the question regarding the workers, that question take place?

A No, not on that question, but there were conferences on this matter with the Fuehrer, and these conferences which were with the Fuehrer on the workers question was very short. He did not want to take up these matters with him.

Q How was the Fuehrer's Four-Year Plan concerned in this?

A That also the Four-Year Plan was offered in this matter, but as to Hitler the Plan was not readily discussed by Hitler, because he did not want to hear this matter discussed in that connection.

Q Was it known to you that Sauckel was serving the Fuehrer in this matter?

A No, I do not know that.

Q Had the foreign workers worked with a willing and conducted attitude

A I say it was excellently conducted. The first year the workers were glad they had this opportunity to work. They were treated better, and about everything; they were given more food than that of the German population, and they, like the German workers, they received extra rations for working in heavy industries. The bench workers particularly were good, and likewise the same applied on rations. There was occasion of compensatory relations about the Dutch workers.

Q The regulations by Sauckel regarding the treatment of these workers, were they known to you?

A I can remember that Sauckel gave a speech on the Central Panel.

Q Did he take a mild or a sharp point of view?

A He took a very humane point of view. Sauckel had a very difficult task by Hitler's attitude. He himself was of what I know a worker; he knows hard work from having been a sailor, and having a fine feeling for the workers.

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THE PRESIDENT: Mr. Witness, it seems like you have seen that light go on three times. Will you kindly observe it. You have seen that light go on three times, will you kindly observe it, and go slower when that light goes on.

THE WITNESS: Yes.

DR. SERVATIUS: I have no further questions.

DIRECT EXAMINATION

BY DR. HERMANN JAHRREISS: (Counsel for the defendant Jodl).

Q Mr. Witness, did you take part in the maneuvers of the Wehrmacht in 1937?

A I believe so, yes.

Q Do you remember whether at that time there were also foreign officers present?

A Yes, I know there was a large British Delegation under a General who became later Governor of Gibraltar.

Q The General Ironside?

A Yes, General Ironside. I had seen him personally, and I knew a few gentlemen of his staff. They were Italians, and a large number of other nations. At the moment I cannot say precisely. I would have to look in my memorandum. I would have it in my memorandum for me to say who were present.

Q Was there a French Delegation there?

A Yes, I believe so.

Q But you do not know for sure?

A No, my memory is not quite clear, but of the British officials, I have spoken to Dr. -- General Ironside personally.

Q Now, do you know, Mr. Witness, that at that time the newest German element of armaments were shown to the foreign officers?

A Yes, also in action. Of course, only action was shown, with the exception of the demonstration of the new airplane, which was not used for action, that was just shown.

Q Do you know whether that exhibit also, that is of Germany, whether that demonstrated to the foreign power our measure of armaments?

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A Yes, very frequently Mr. Fraser from England, together with Lord Trenchard were shown it, and further were interested in the air defense installations, and we showed him the most modern things immediately.

Q When was that?

A I believe in 1937, or 1938. I will see if I can find it. (Witness looks in small book). July 1937, the 1st of July.

Q Yes. Do you know whether under the terms, that there was something there from England?

A Yes, there was a personal exchange between our Department and the British, I personally know I made a connection. However, I have not taken part --

Q Thank you. Another question. Do you remember the conflict in the question of the occupation of Rhineland. Do you know what excitement was caused by that question?

A Yes.

Q In the re-occupation of Rhineland, on the left side, did the airforce take part?

A That I cannot say at the moment. I cannot answer. The re-occupation of Rhineland came so suddenly that it surprised me while I was on a vacation. When I returned, it was all one way. I know this as when Duesseldorf was occupied also by the airforce. I was there myself only the next day.

Q That is on the right side of the Rhine?

A Yes.

Q On the left side, you do not know about?

A No, I could not say for the moment. I do not believe there was any airfield, but I cannot remember that exactly.

Q You say that the occupation of the Rhineland came suddenly , but was not there anything prepared for the event, in the event it was used by the air force?

A During my leave the decision had been made; that the person which it was at the disposal had been informed to put it in readiness for the purpose, but it was very wrong.

Q Yes, but I am not getting an answer to my question. During your leave for the first time the air force was alerted?

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A Yes, because otherwise I would not have taken the leave.

Q And how far was the period date before the occupation?

A That had been fourteen or fifteen, about sixteen days, that would be the maximum.

Q One more question. On Friday you had told us something about the participation of the air force in the military part of the execution of the Anschluss policy of1938. From then on when did the preparation start, the date?

A The preparation dated less than forty-eight hours back. I can say that precisely.

Q Were you informed for the first time that there was a military preparation in that solution how long?

A About thirty-six hours before the March.

DR. JAHRREISS: Thank you.

DIRECT EXAMINATION

BY DR. KURT KAUFFMANN:(Counsel for the defendant Kaltenbrunner). I am Dr. Kauffmann.

THE PRESIDENT: For whom. You are Dr. Kauffmann, and for whom?

DR. KAUFFMANN: For the defendant Kaltenbrunner.

Q Mr. Witness, is it correct that in the way of orders, or in the way of channels, you had nothing to do with the Gestapo, or of the concentrati camps?

A No, I never had anything to do with them.

Q When did you or were you informed the first time about the fact of concentration camps?

A By the general publication in 1933, I found out that one concentration camp had been installed.

Q In the course of the following years did you get further information about other installations of that kind?

A Until the end of the war it was known to me that I know about Dachau and Oranienburg. Of other concentration camps I did not know anything. I have seen the camp of Dachau in 1935, and I visited it with a few higher

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officers of the air force, and never at any other concentration camp, I have not seen and I have nowknown anything about what happened there.

Q How was it at the time when you visited Dachau. What was your impression about that installation, and the treatment of the prisoners, and so on?

A At that timrso much was debated, so much was discussed about this question in Germany on that subject, that I decided to get the information first hand myself, and that desire was approved by Hitler without any difficulty -- by Himmler. At the time I believe there existed only Dachau. I found there that there were groups of inmates, one group where there were criminals, and another group consisted of people who committed the same crimes of less offense where you could call them not criminals, they were minor crimes. Then there was a group that consisted of, but without every reason, war patients. I saw one person there whom I knew there before, he was, I thin an SA leader, and he was in the camp. The camp was clean. Militarily organized. They had their own slaughter houses; their own bakery, we saw that, and, they gave us food which had been used, and we demanded the things which the people ate in the camp at the time. I t was good. And by leading persons in the camp we were told that for some prisoners could get better food because they had had hard work. All prisoners to whom we spoke mentioned the reasons why they were in camps. Frequently men would tell us twenty times that they committed fraud, and so forth. Whether they showed us everything in that large complex, that I could not say, of course.

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Q You just spoke about the fact that among officers there were debates and discussions going on. Did you, at any later time when you returned, convey your impressions about Dachau?

A Hardly. Only in so far as I was asked questions by my close comrades. As I said, I was not alone. There were several other gentlemen, and in a smaller circle, of course, t here was an opportunity to speak about it.

Q. In these concentration camps, cruelties, atrocities, have been committed. When did you f. ind out about that for the first time?

A. On the day of my capt ivity. When I was captured I got the first impression, because there was a small camp that was evacuated and passed us, and it was the first personal impression which I received. All the rest I found out later in captivity from various evidences which we were shown.

Q. So you did not know at all that in G ermany and in occupied territories there were more than two hundred concentration camps?

A. I did not know anything about that. I mentioned the two before of whose existence I knew.

Q. Now, one could say against that that one had to know. Can you give us an explanation as to why better knowledge about the real conditions was not accessible to you?

A. Because the people who knew about it did not talk about it and did not dare t o talk about it. T hat I take from one piece of evidence in the hands of the Prosecution against the General Staff, where, also, Himmler was considered a high military leader, and where he gave that order. It deals with a meeting of higher police leaders under Himmler; I believe in 1943.

Q. Is it correct then if I say that every attempt to find out about the true conditions of the concentration camps and to reveal the true conditions was impossible, unless whoever did it risked his life?

A. First of all, I did not know anything about the large number of concentration camps. Second, we did not know anything that happened there. T here was a limited circle of people who knew about that, the SD. Besides all the people were very much afraid of the SD, and it was highly dangerous to move into that circle, meaning the SD. Besides, where should the individual G ermans find out about these things, if they could not see or hear it? In the German press nothing was said about that; in the German broadcasting

or radio, nothing was said about that; to listen to enemy broadcasts was forbidden by the death penalty in most cases. Nobody was ever alone. He always had to fear if he wanted to do anything against that order that other people would listen also and denounce him. I know that a large number of people in Germany were condemned to death for listening to foreign radio stations.

Q. Did it come to your knowledge that mass deportations of Jews took place into the eastern territories, and when for the first time?

A. I cannot say the exact date. Once, I don't know in which way, I receiv ed the information that Jews were settled in special ghetto cities in the East. I believe it must have been 1944, but I cannot guarantee that date.

Q. You just spoke about ghettos. Did you know that these mass deport- at ions were only the first step to mass execut ion?

A. No, That has never been told.

Q. May I ask you, furthermore, whether in this connection you knew about the camp of Auschwitz?

A. No. I have heard much later about that after I had been captured and imprisoned.

Q. In the East there were so-called "einsatz kommando", special commands, which ca rried on a tremendous destruction and annihilation of Jews. Do you have any knowledge that such einsatz kommandos were established on the basis of an order by Adolf Hitler?

A. No. T he first that I have heard about these einsatz kommandos I heard here in Nurnberg in prison.

Q. Do you know that a special action to annihilate Jewish citizens took place or was carried out in the southeast of the Reich, and, according to information by the respective leader, Eichmann, about four to five million Jews were victims?

A. N o. I know nothing about that, and this is the first t ime that I h ave heard the name Eichmann.

Q. Is it correct if I assume that in G ermany, under the absolute leadership state(F uehrer-Staat), each protest against an order was connected wit h danger for life?

A. Yes.

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Q. Is it furthermore correct if I assume the same consequences would have occurred if the man who received the order would have protested, even against an immoral and illegal order?

A. I believe that he would have to count with that punishment, not only h e himself, but also his relatives.

DR. KAUFFMANN: T hankyou; I have no more questions.

BY DR. SIEMERS (Counsel for Defendant Raeder):

Q. Witness, I have only a short question. You told us Friday that you had conversations with the British delegation. This British group was led by Vice-Marshal Courtney. I would like to know from you whether, in the course of these discussions, an agreement was made that the German and the British officers would inform each other about the plans of establishment in the air forces?

A. Yes, that is correct.

Q. In which form was t hat agreement taken?

A. There was a writt en statement.

Q. Did the Brit ish or the G erman air force have plans for each year?

A. No. T hat went for over more than one year.

Q. Over how many years at that time, in 1937, did that plan extend?

A. I cannot say that off-hand at the moment. Maybe two or three years.

Q. T hat would be for the years 1938 until 1940?

A. 1937,1938, 1939, and 1940. But I cannot say that precisely. I have forgotten.

Q. And this plan, did that have a particular technical designation?

A. I could not say that. We have generally spoken about aufstellungs-vorhaben (plans for establishing units).

Q. And on the British side, these plans were in the same form that they extended over a cert ain t ime, let's say, three years?

A. I believe that the times were about the same.

DR SIEMERS: Thankyou.

THE PRESIDENT : Does the Prosecution now wish to cross examine? Mr Justice Jackson, I am sorry to have called you up. Perhaps it would be convenient to adjourn now for ten minutes.

(A recess was taken)

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CROSS-EXAMINATION

BY MR. JUSTICE JACKSON:

Q Witness, you are a prisoner of war of the United States at the present time?

A No, I am not a prisoner of war of the United States. I was a British prisoner of war and since I have been here I have been declared an internee. I do not know what that is. At any rate It is not in accord with a prisoner of war who falls into the hands of the enemy before the end of hostilities.

Q You have been allowed to confer with counsel, both while this trial was in progress and --

A With some of the defendants' counsel I have been able to speak, not with all of them. But I assume that the other defendants' counsel did not desire it.

Q Now, we will save a great deal of time if you will answer any questi ns as briefly as possible and answer yes or no. You have been allowed to prepare and keep and bring to the Court notes, after your consultations with counsel?

THE PRESIDENT: Answer please/

A The notes which I had with me were made by myself before I spoke with defendants' counsel.

Q You have made none of the notes since your consultations with counsel?

A One note I made about one conference. That was only a date mentioned to me and which I could not have remembered by heart.

Q And you occupied a very high position in the German Air Force?

A I was General Inspector.

Q You frequently attended conferences on behalf of Goering?

A On behalf of Goering, very rarely.

Q Do you now deny you attended conferences on behalf of Goering frequently?

A No, I do not deny it but to some of these meetings I was ordered to attend on account of my office. As a substitute for Goering, very rarely, because he usually was there himself.

H0080-0022

Q You had a very large part in building up the Luftwaffe, did you not?

A Yes.

Q And you were honored for that, were you not, in 1941, by the Hitler regime?

A '41--no, I believe you meam, Mr. Justice, in 1940.

Q 1940--well, perhaps I'm wrong.

A You mean the promotion to Field Marshal?

Q When was your promotion to Field Marshal?

A On the 19 of July 1940.

Q And did you not receive a gift from the Hitler regime in recognition of your services?

A In 1942 at the event of my fiftieth birthday I received a recognition.

Q And the recognition was in the form of cash, wasn't it?

A Yes, it was a cash recognition out of which I could buy an estate.

Q And what did it consist of?

A The money amounted to 250,000 marks.

Q And now you come here to testify, as I understand your testimony, that the regime, of which you were a part, put Germany into a war for which it was in no way prepared. Do I understand you correctly?

A It is correct insofar as that Germany came into a war in 1939 for which it was not prepared as far as the Air Force was concerned.

Q Did the Head of the Air Force give any warning of that fact to the German people?

A I could not say that. I do not believe he could do that.

Q You do not know that he ever did do it, do you?

A I cannot remember that he ever gave such a warning to the people publicly. I should like to assume that the warning was given to the military officer above him.

Q What officer would be above him?

A That was the leader, the Fuehrer, Adolf Hitler. As a soldier the Reichsmarshal could not appeal to the public.

H0080-0023

Q Now, can you point to any time, at any meeting of the High Command or at any other meeting that the Fuehrer called, that Reichsmarshal Goering raised the question that Germany was not prepared for war, in the presence of any of these people?

A I cannot remember such a conference because such conferences were held only between the two people concerned. The Reichsmarshal has never reported to the Fuehrer before the public or before a large number of his offices and he has never protested to him publicly because Hitler would not have tolerated such opposition.

Q Do you know of any occasion when any one of the defendants in the box ever took a public position against going to war?

A Publicly no, I cannot remember. But I should like to believe also for the personalities who are now accused the war came as a surprise.

Q You would like to believe that?

A I believe it, yes.

Q How long did it take the German forces to conquer Poland?

A Pardon -- to conquer Poland I believe eighteen days.

Q Eighteen days. How long did it take to drive England off the continent, including the disaster of Dunkirk?

A I believe six weeks.

Q How long did it take to overrun Holland and Belgium?

A A few days.

Q How long did it take to overrun France and take Paris?

A Entirely--about two months.

Q And how long did it take to overrun Denmark and to take possession of Norway?

A Also a short time. Denmark very short because Denmark gave in immediately and for Norway a few weeks.

Q And you testify that you want this Tribunal to understand you, as an officer, as saying that there was no preparation known to the officers in advance of those movements? Is that your testimony as an officer?

A Pardon, I have not understood.

H0080 - 0024

Q You testified that those were all surprise movements to the officers of the Luftwaffe. You were surprised at every one of them, you said.

A Surprised--I said of the beginning of the war because at first only Poland was spoken about. The other things came later and were covered by the preparations for this war.

Q Well now, relative to Poland, you do not deny that Germany was well prepared for a war with Poland, do you?

A The supplies of Germany compared to Poland were large enough. What I considered by saying preparedness for war when I testified, means for the extent of a world war. For that Germany was not prepared in 1939.

Q But she was prepared for the campaign that she initiated, was she not?

A I would not like to say it that way. Of course there was armament as every other nation that has an army has it and with regard to Poland it was alerted and was sufficiently large emen though it surprised us to crush Poland.

Q Would you question or deny that relative to the other powers on thecontinent of Europe, Germany was the best prepared for war on the first day of September, 1939?

A I believe that as such the British Air Force at that time was stronger than the German.

Q I asked you in reference to the continental powers. Do you question that Germany was far better prepared for war than any of her immediate neighbors?

A I am convinced that France and Poland with respect to their forces were just as well prepared as Germany. They had the advantage of longer work in that field, which in Germany could only start five years before the outbreak of the war.

Q When did you first meet Hermann Goering?

A I believe in the year 1928.

Q What was he then, what position did he hold?

A He was then a member of the Reichstag.

Q What were you doing?

H0080 - 0025

A I was then the chief of the German Lufthansa, a civil transport agency.

Q Did you have some discussions with Hermann Goering at about that time as to what would be done with air forces if the Nazi Party came to power?

A At that early time, no.

Q When did you first discuss that with Goering?

A About this question I believe Goering spoke to me in 1932. There existed a plan to take over the government in 1932. One believed that at that time already the other parties would form a coalition with the National Socialists and at that occasion I believe Goering had talked about the possibility that if a government would be in power, of which the National Socialists would be a part, there would be a chance that Germany would become "Wehrfaehig", that is, able to fight.

Q Following that you became a member of the Nazi Party, did you not?

A After 1933 I joined the Party, and later on I became an officer, and then this fact did not count any longer.

H0080 - 0026

Q And you wai ted until after they won to join?

A. Yes.

Q Do you recall a conversation that you had with Hermann Goering on the 28th of January 1933?

A Yes.

Q And where did that take place?

A In my own apartment.

Q Did he call upon you?

A No, that eventing I had guests in my house and he came suddenly because he wanted to talk to me very urgently.

Q And will you relate to the Tribunal the conversation that you had with Goering at that time.

A He told me that now, with all the other parties in question, an agreement had been made which foresaw a common government with National Socialists; Reichspresident von Hindenberg now agreed to appoint Adolph Hitler as Chancellor in this government.

He, Goering, asked me whether I would be ready to take over an air force ministry which should be founded. Only for the reason that I did not want to leave the Lufthansa, I named two other persons in my place. Goering refused and insisted that I should place my cooperation at his disposal.

Q Did you agree to do so?

A I told him I would think it over, and I made it dependent on the circumstances of Hitler's insisting on it.

Q Well, what did Hitler do?

A I accepted on the 30th, after Hitler told me again that on account of my technical knowledge and ability in the field of aviation he considered it necessary.

Q So, on the day that the Nazi Party came to power, you took over the task of building a Nazi air force, did you not?

A No, not the air force. First, there was only the question of organizing various fields of aviation. There was the civil aviation transport, and the transport schools, fliers' schools, the weather service, and the various research institutes. I believe that that covers the entire field of aviation, not air force, at that time.

H0080-0027

Q Perhaps, I will say, you took over the task of making Germany preeminent in the air.

A No, one cannot --

Q Tell us what you did, what your object was in taking over this new task.

A To develop air transport, aviation and everything that belongs to it. That was the task in general.

Q You made visits then to France and England and returned and reported to Hitler personally, did you not?

A Yes.

Q When you returned from England, did you warn Hitler against the activities of Ribbentrop?

A Yes.

Q What did you tell Hitler about the activities of Ribbentrop in England?

A That in England I had gained the impression that von Ribbentrop was not persona grata, was not a liked person.

Q Now, when you were interrogated before, didn't you state after your capture that you told Hitler that if he didn't get rid of Ribbentrop soon he was going to have trouble with England? Isn't that what youtold Hitler in substance?

A I cannot remember the exact words.

Q But the sense of it?

A It was my opinion that another man should be sent to England in order to further the desire which Hitler often expressed about England in his policies, to realize that.

Q Before you talked with Hitler about that, you had discussed it with Goering, had you not?

A With whom?

Q Goering.

A About what?

Q About Ribbentrop.

A No, I did not discuss that question with the Reichsmarshal.

Q There came a time when some engineers were sent to Russia, were they not, to inspect the air construction there, factories, facilities, and that sort of thing?

H0080-0028

A Yes, that is correct.

Q This was a group of engineers, and you had something to do with sending them there, did you not?

A No, I had nothing to do with that group. At that time I had nothing to do with technical research.

Q Under whose command were they?

A Under Colonel General Udet, and he was under the Reichsmarshal.

Q When they came back, you learned that they had reported that Russia had greater capacity for building airplane engines than all six of the German factories, did you not?

A Yes, that is correct.

Q What order did Goering give about that information being made available, even to the Fuehrer?

A Goering did not believe that information at that time. I know that from the words of Colonel General Udet.

Q Is it not a fact that you stated to the interrogators before that Goering called them defeatists and forbade them to repeat that information to any person, and threatened them with concentration camps if they repeated that information? Did you say that or didn't you.

A No, I cannot say that it was so far reaching.

Q You put it in your form now and tell us just what was said by Goering on that subject.

A At a considerably later date, when it was the question of American armament figures, the Reichsmarshal told me once, "Now, you also are going to be a defeatist and believe these large figures." I told him then that I did indeed believe these figures, but at that time that had nothing to do with the Russian affair.

Q Were those Russian figures ever reported to Hitler, or to the Reichstag or in any way made public to the German people?

A The Russian figures? That I could not say. I had nothing to do with that question. The American figures were presented to Hitler, I am sure, but Hitler did not believe them.

Q You testified on Friday, I believe, that you knew that the commencement of the war with Russia would end with the annihilation of Germany. I remind you of that, and that is correct, is it not?

H0080 - 0029

A Not with the destruction, the annihilation, but with defeat.

Q Well, you went to Reichsmarshal Goering to protest against the entrance into the Russian war, is that right?

A Yes.

Q And did Goering agree with you that it would end with the defeat of Germany?

A No, he did not agree. With respect to his relation to Hitler, he had to be very cautious in his statements. I told him about the reasons, the difficulties for Germany, and he nodded, and I had the impression from his words that he had tried the same objections with Hitler, that he had presented the same arguments to Hitler without success.

Q In other words, he agreed with you that it would end in the defeat of Germany, but he didn't want it said to Hitler, is that right?

A No, I cannot say that that is so. That was my conclusion, that it would end in defeat for Germany. He just agreed that this war had to be avoided at any rate, and that it would be a misfortune for Germany. In that connection, the word "defeat" was not mentioned by him.

Q Was it mentioned by you?

A I mentioned that that would be the defeat of Germany, to start a two front war with an adversary as strong as Russia.

Q And didhe disagree with you about that? Did he take issue with you about that?

A No, we did not argue about it. He only declared himself opposed to undertaking any further step because he considered it impossible, and it would only create the impression with Hitler that the Air Force were defeatists.

Q And you didn't attempt any further to convey the information on which you thought Germany would be defeated if she entered war with Russia to Hitler or to any other officer of the High Command?

A That was impossible for me. I could not do anything against the order of my superior.

Q The Reichsmarshal?

A The Reichsmarshal, yes.

Q And so far as you know, he never conveyed that information, after his talk with you, to Hitler, that it was your opinion that the war would end in disaster?

H0080 - 0030

A I had the impression that he had discussed that previously with Hitler, but that in so doing he had no chance to succeed because that was impossible with Hitler.

Q But you had been abroad for Hitler and reported to him and he apparently had confidence in you, and I am asking you if Hermann Goering ever reported to Hitler that you, out of your information, felt that it was a disaster to go into that war.

A My trips were not made on order of Hitler, but upon invitation of the foreign Government to the German Air Force, ordered by the Reichsmarshal. With regard to the importance of these trips, and the political words which have been mentioned, although I was told that I had nothing to do with that as a soldier, I thought that I had to transmit to Hitler my impressions

Q Did Goering direct you to do that?

A To go to Hitler? Yes. I believe that Goering had told Hitler and Hitler ordered me to come. I did not say myself, "I am going to Hitler now." I received an order from him.

Q And did he send you to Hitler until he knew what you were going to report?

A No, he —

Q Then he did know?

A He himself had no knowledge. He had no time to receive me.

Q Goering had no time to receive you?

A No, Goering had many other things to do at that time and he did not like to have anything to do with these things.

Q So he left that to Hitler who wasn't busy, I take it. Is that true?

A Hitler had an interest in it.

Q I think you told us in the interrogations that Goering was not very industrious, is that correct?

A I would not like to answer that question.

Q I withdraw it. I t wasn't a kindly question to begin with.

When you found that Germany was going into a war which you, as an informed officer, considered a disaster, did you resign?

A Resign what?

Q Resign your commission as an officer or take any other steps to step out?

H0080 -0031

A No, that was absolutely impossible, and it was ordered by special order that that could not be done.

Q And who gave that order?

H0080-0032

A Hitler himself.

Q Now,you said you had experienced this yourself.

A Not for my case personally, but generally he gave that order.

Q You said Friday that you experienced it yourself, that you could not resign.

A One could not withdraw, one could not resign, no.

Q Did you try it at any time?

A I asked to resign several times, in peace-time, but it was not granted for the reason that I did not have the right to ask for it, but I would be told from above when I had to go.

Q Did you not--

A (Interposing): During the war I never asked, because during the war, a s a soldier, I could not ask for it.

Q Did you not have some talk with Goering at one time about retiring fro your position, in which he not only forbad you to leave, but also told you there would be no use in feigning ill-health?

A Yes. That is to say, there was no possibility of excusing oneself in this way when one was not really sick. The use had been that if one retired, one gave as a reason ill health; that was no longer possible.

Q And he did suggest to you, in that discussion, one way out, did he not

A No, he did not suggest any, but I suggested a way.

Q What did you suggest? What talk did you have about suicide? Did Goering tell you that the only way you could get out was to commit suicide?

A That would have been the only possibility of getting out.

Q Did Goering tell you that?

A No, I said that, he did not.

Q And he didn't disagree with you, I take it.

A No, he did not particularly want me to do that.

Q Now you have the regulations with you which you say were printed for t information of every soldier about international law and regulations? Do you have them with you this morning?

A I have them with me; that is, in my pay-book, like every soldier's pay-book.

H0080-0033

Q You gave us a little information about that, but I would like you to get that out and give us exactly the text of those instructions or regulations which you say reflect international law as you understood it.

A I shall read that now.

Q Not too fast.

A No.

"The Ten Commandments for the Warfare of the German Soldier.

"1. The German soldier fights gallantly for the victory of his nation or of his people. Atrocities and needless destruction are below his dignity.

"2. The fighter has to be in uniform or have a visible designation. To fight in civilian clothes without such a designation is forbidden.

"3. No enemy can be killed who gives up, not even a partisan or a spy. These will be brought to punishment by the courts.

"4. Prisoners of war cannot be maltreated or insulted. Weapons, plans and notes should be taken from them. Of their property, nothing can be taken.

"5. Dum-dum shells are prohibited. Shells may not be changed into such.

"6. The Red Cross is inviolable. Injured enemies are to be treated humanely. Medics and chaplains are permitted to perform their functions and are not to be disturbed.

"7. Civilian populations should not be injured. The soldier is not allowed to loot or to destroy. Historic monuments and buildings which are consecrated to religious services, art or charity are to be guarded. Services by the civilian population can only be accepted if they are paid for and ordered by the superior officer.

"8. Neutral territory may not be invaded or flown over or included in any way in the acts of warfare.

"9. If a German soldier becomes a prisoner, he has to give his name and rank. Under no circumstances may he speak about his unit, about military, political or economic conditions on the German side. Neither by promises nor by threats may he be induced to do so.

"10. Any action against these orders will be punished. Actions of the

H0080 - 0034

enemy against points from one to eight are to be reported. Reprisals can only be taken upon orders by the higher commanders."

Q Now that, as you understand it, is the military law conforming with international law which was promulgated for the government of the troops in the field?

A Yes.

Q And you understood, and it was generally understood in the German Army, that that was international law, was it not?

A That is to say, each soldier had to know that these were the German rules, because they were on the first sheet in his pay-book, which each soldier had to have and carry with him. They were pasted in. The soldier, of course, did not know that that meant international law.

Q The higher commanders like yourself did, didn't you?

A Yes.

Q That represented your understanding and interpretation of your duties and obligations as honorable men in combat?

A Yes.

Q Now, did you participate in the activities of Hermann Goering in collecting the art of France and other occupied territories?

A No.

Q Did you participate in the removal of civilian populations for forced labour?

A No.

Q You know that it was done, do you not?

A I did not know that the workers who came from foreign countries were deported, but we were told that they came on the basis of voluntary recruitment. As to France, I knew that the Frenchmen themselves, from a certain time, did not want to come any more, but that the French Government had given directives itself.

Q Aside from that, then, you didn't know anything about involuntary or forced labor in Germany? Is that your testimony?

A No.

Q Tell us what you did know about and what you did about it.

H0080-0035

A I knew that these people had been cruited at that time, that they came voluntarily. I knew that many were satisfied, but as the German military situation became worse, among these foreign workers -- and, as much as I heard, it was only to a small extent -- there were bad feelings.

Q You have not yet--

A (Interposing) May I say also that in general we saw the reason in the fact that the food for these people was not such as they wanted. Therefore, many officers tried, first of all the Ministry of Speer, to improve the living conditions of these people and to facilitate their condition.

Q You have not yet answered my question. Did you know that forced labor was being brought from occupied territories and compelled to work in Germany? Did you know that? Answer that "yes" or "no."

A I knew only that the Frenchmen were forced, at the end, by their own French Government, to come.

Q Did you know that prisoners of war were forced to work in the airplane industry, and were actually forced to man guns? Did you know that?

A I have heard about it.

Q And you heard about it from your fellow officers, did you not?

A I do not know at the moment from whom I heard it. There was an institution which was called "Hilfswillige." It was a recruitment, as much as I know, of volunteers among the prisoners of war.

Q And did you learn about -- even if you didn't participate in it -- the plan for the collection of art from the occupied countries?

A No, I did not know anything of this plan. Here in Nurnberg I was told about it by some witnesses.

Q Now I want to ask you some questions about certain exhibits. I refer to number 343-PS, United States Exhibit 463. I would like to have that exhibit shown to you.

(A document was submitted to the witness)

A These letters are signed by myself and they are on my stationery. Th must have been drafted by the Sanitaetsinspektion, Medical Inspection. I do not remember the contents any more, as I said a few days ago.

I only want to say that by the answers I meant that there should be no

H0080-0036

difficulty between ourselves and Himmler. For instance, I never read the statement by Dr. Rascher and Dr. Romberg. They were read by the Medical Inspection.

Q I will get to that.

A So far as that is concerned, I was a sort of letter carrier for the correspondence from the SS to our Medical Inspection.

Q When you testified on interrogation you had no recollection of these letters, but on Friday you testified that you made some alteration in one of them before it went out. Do you want to tell us what that alteration was?

A Yes. These letters were submitted to me in part while I was interrogated, and that is how I remember it. The changes which I made were only as to a question of politeness, with respect to the great sensitivity of Mr. Himmler. I do not believe it is in one of these letters where the change was made; I believe it was another letter.

Q It was the other letter in which there was a change, number 167.

A I believe so, yes.

Q Now, on your examination in your interrogation, you gave a reason why these were brought to you for signature instead of being signed by the bureau chiefs. Do you remember what that reason was?

H0080-0037

A. Yes, I had the impression that the medical inspecter did not want to write his refusal himself to Himmler, because he was afraid, when Himmler was to leave, because generally he wrote either to the Reichsmarshal or to myself, for one, because he did not know the organization of the air force, his field, because the medical inspector was not under me.

Q. I understand from your interrogation that you gave as the reason why these letters were brought to you for signature, that your office was in fear of Himmler and didn't want to take the responsibility of writing a letter to him, is that right ?

A. Not my office, but I believe the medical inspection did not want to get into a bad position with Himmler.

Q. I think you also said that the officials of that department were afraid of the SS.

A. Yes, that is what I wanted to say.

Q. Were they engaged in any illegal conduct or any activity against the Goverment ?

A. I did not quite get that.

Q. Those people who were afraid.

A. Who, the Sanitactsinspektion ? No

Q. They were responsible officials doing their duty, as far as you know, is that right ?

A. Yes, Mr Justice. There one has to think about the conditions as they developed durning the war.

Q. That is exactly what I want you to think about, and tell me about; Why were these people, performing their duty in a Goverment office, afraid of Himmler or the SS? Explain that to us.

A. Not of the SS as such, but of the Secret Police. For none of us was the position an easy one. We were all convinced that we were under surveillance and regardless of what rank we had. I believe there was nobody about whom there were not files kept, and hence many people, for that reason, were brought to trial. And the difficulties which arose from this fact did not touch only these people, or myself, but went all the way up to the Reichsmarshal, who was also affected by it.

Q. So that in you men, from the Reichsmarshal right down to the humblest citizen, there was fear of Heinrich Himmler and his organization ?

H0080-0038

A Well, the amount of fear may have been different in the highest and lowest positions. Of course, it was in the least, but in the middle bracket it was much more difficult. But it was quite clear that the middle position criticised everything that happened and these criticisms were not tolerated from above.

Q I take it from your testimony that the reputation of the Gestapo was pretty well understood in Germany.

A The last years of the war particularly so, yes. I could not say how far this was based on facts, but there was that feeling.

Q Now, I think you also testified that some high military authorities did resign. I call your attention to your testimony in your interrogation by us, about von Fritsch and Beck. They resigned, didn't they?

A No, they did not resign. They were already out.

Q They were thrown out, is that it?

A Yes, they were told they were not needed any more.

Q I understood you to say that even the generals did not dare utter an opinion after those two left.

A No, I never said that. I cannot remember that. I will be grateful if I could see the minutes.

Q Well, I have them. I will ask you if you were not asked these questions and gave these answers:

"Question: From your knowledge of instructions in army circles, among the air force, and among the general staff people whom you knew would have any opinion as to their attitude for beginning a war, would they share your view?"

The minutes show that you answered "All of them unanimously, all officers agreed with me. All higher officers agreed with me. A long time ago I had talked to Field Marshal von Blomberg, in 1937, about the danger of war on account of the careless policy of our politicians and we feared at that time that England or France wouldn't tolerate that policy in the long run. The first of November, 1937, I had a long discussion with von Blomberg about this matter, and he was of the same opinion."

A Yes, I remember.

H0080-0039

Q That is true, isn't it? You were then asked this "Is it true that after General Fritsch and General Beck left their offices that the position of the army was subordinated to the position of the political personality?"

A No, not subordinate. The army was always directly subordinate to the Fuehrer or the Reichspresident. Nothing was changed. In that, the Chief of State was at the same time the Supreme Commander.

Q At the time you were interrogated your answer, which I will now read, was this:

"Yes, because Hitler took over the high command personally of the army and the navy and the air force. That was the position that was held by von Blomberg before, and Blomberg was in a position to resist Hitler, which he had done very often, and Hitler respected and feared and listened to his advice. Blomberg was the only elder soldier who was clever enough to reconcile military and political questions. This resistance"--

A Yes, it was my conviction.

Q (Continuing) -- "This resistance could not be kept up by the men near Hitler later on. They were too weak for that. For that reason he probably chose them."

Is that true?

A My opinion.

Q "Question: Did the generals with whom you associated even before 1939 not feel thatthe course of action which was being taken by Hitler would be likely to result in a war?

"Answer: Those who were able to think in foreign political terms, yes, but they had to be very cautious about it, because they could not utter any opinion, that he dared not utter -- any opinion or writing."

Is that right?

A Right.

Q And what were the high generals in command afraid of that they didn't utter an opinion?

A That general wouldn't have had a chance to report it to Hitler.

Q Who would have done anything about? There were many generals and only one Hitler. Who was going to carry out any orders against them?

H0080-0040

A It was just not possible. Hitler was so powerful that the counter-arguments of others -- well, he just refused; he never let them utter any.

Q And Hitler had the SS, didn't he, and Himmler, and Kaltenbrunner?

A Yes, he had that also. Besides, he had the entire Wehrmacht, which had sworn an oath on him.

Q I think you said that after the 5th of March, 1943, -- in your interrogation -- that Hitler was no longer normal. Did you make that statement?

A I said that in my opinion Hitler during the last years was not the same as he was in the beginning, from 1933 until the war. I said that after the campaign against France there had been some change in him. That was my personal, private opinion, because that he did afterwards contradicted what he had taught before himself -- contradicted it by 180 degrees. I could not consider that normal.

Q And you want us to understand that Goering continued to act as No.2 Man and took the orders from that period on, of an abnormal man? Is that your story?

A That abnormality was not so recognizable that one could think this man sick of mind; it did not have to go so far; that abnormality could be invisible to the masses. I believe that a doctor could say more about that than I. I talked to some such gentlemen about it at that time.

Q They thought it was their opinion that he was abnormal?

A That there was a possibility of an abnormality. That was affirmed by a doctor who knew him.

Q A doctor of repute in Germany?

A No, he is not very well known. He hadn't told it to anybody else, because that was not visible.

Q He is in a concentration camp, I suppose?

A Or worse.

Q And if you had expressed your opinion that Hitler was abnormal you probably also would have been there, would you not?

A I would have been shot immediately.

Q So you never dared to tell your superior, Goering, your opinion of

H0080-0041

Hitler.

A I once had an opportunity to talk about my opinion, and never again. That was during the war.

Q You informed Goering of your opinion?

A I have talked to Goering and what I just mentioned was a conversation which I had with Hitler.

Q Well, you don't -- I think you misunderstood me. You don't mean you informed Hitler that you considered him abnormal; I am sure you don't mean that.

A No, that I didn't tell Goering either.

Q You knew, did you not, that Goering who was your immediate superior was issuing the anti-Jewish decrees of the Reich Government?

A No, I didn't know that. As far as I know, they came from a different office.

Q Do you know that the decrees which excluded Jews and half-Jews from positions were issued by Goering?

A No, I don't know that; as far as I know, these regulations came from the Ministry of the Interior which was competent for that.

H0080 - 0042

Q As a matter of fact, did you not have to take certain proceedings to avoid the effect of those decrees?

A No. I know what you mean. That was the question that had been cleared long ago; long before that.

Q How long before that was it clear?

A As much as I know, in the year 1933.

Q 1933, right after the Nazis came to power?

A Yes.

Q And at that time Goering had -- so we will have no misunderstanding -- Goering made you what you call a full Aryan; is that right?

A I don't believe that he made me a full Aryan; but that I was one.

Q Well, he had it established, let us say?

A He had me in clearing this question, which was not clear.

Q That is, your mother's husband was a Jew; is that correct?

A That is not meant by that.

Q You had to demonstrate lack of ancestry to any Jewish source; is that correct?

A Yes; everybody had to do that.

Q And in your case it concerned your father, your alleged father; is that correct?

A Yes.

Q And you certainly were informed then from the very beginning of the attitude of the Nazi Party toward Jews, were you not?

A No, I was not informed; everybody had to submit his papers, and from one grandparent the paper could not be found.

Q And you had never been required to do that under the Weimar Republic?

A No, those questions did not exist at that time.

Q You knew that this whole question was raised by the Nazi Party of which you became a member in 1933; at about the time this happened?

A I had applied for membership before, before this question came up.

Q When did you apply for membership?

A I cannot say that accurately, but I believe in March or April.

Q And you had to clear this question before you could become a member; wasn't that the point?

H0080-0043

A That was clear during that time. I cannot say just exactly when.

Q In 1933 you became aware of the concentration camp, the first one?

A I believe that was in the year 1933. There was a provocation about that.

Q And you later, as I understand you, heard some rumors about concentration camps and you thought it ought to be investigated; you had to go there and see?

A Yes.

Q When was it that these rumors became so persistent that you thought it should be investigated?

A That must have been at the end of the year 1934 or in the spring of 1935, if I remember correctly. I was in Dachau in the spring of 1935.

Q And those rumors persisted throughout the entire period until the collapse of Germany, didn't they?

A These rumors at that time were the reason that I asked to visit Dachau, and I only heard them in the circle of higher offices. With other groups I had little contact, I cannot say how much it was generally talked about.

Q Among the higher officers with whom you associated the rumor went about that these concentration camps were the scenes of atrocities as early as 1935, as I understand you; am I correct about that?

A Not, not in that sense, but--

Q Why was it that you went to investigate?

A I could not make a regular investigation, just get my own impression to dispel the many rumours that there were innocent people there; people who do not belong in there for political reasons -- to despair of that. First of all, at that time mention was made that many members of the so-called reaction were sent there, and with some officers this was the causeof great concern, and I said I would like to see it myself to get my own impression.

Q You didn't need to go to Dachau to find that out, did you? You could have asked Goering; didn't you know that?

A Who?

Q Couldn't you ask Goering who was sent to them?

A No; I never talked to Goering about that.

H0080 - 0044

Q Did you know that Goering publicly said that political enemies of the regime were going to be sent there; that was what they were founded for; did you know that?

A I cannot say that I never heard it myself, but I had thought about that, and that is why I wanted to go and see.

Q And you found nobody there except criminals?

A What I was shown were all people who had committed either crimes or dealt in larger things. Of political prisoners I only saw two people; whether there were others I could not say because I cannot be sure that I saw the entire camp. But all we wanted to see -- we used to say we wanted to see this and that, and then we went there and were guided.

Q Whose authority did you get to get into the concentration camp for an examination?

A Himmler's.

Q Who asked Himmler if you could go?

A I don't understand.

Q Did Goering know you were making the trip?

A I don't think so.

Q Why were you so--

A It was no special trip. I was living in southern Germany, doing military things, and I set aside one morning, forenoon, for an inspection.

Q There were people in the concentratipn camp that had to do with the Roehm Putsch, as you call it?

A Yes.

Q How many were there that had to do with that?

A I can not say that any more exactly. All together, from what I have seen, I would estimate four to five hundred people.

Q Four to five hundred people. And how many were killed?

A Yes, but this figure I can not guarantee; it could be just as well seven hundred. My estimate is around that.

Q How many people were killed in the Roehm Putsch?

A I can only give the figure which Hitler publicly stated in the Reichstag; I can not say that I exactly remember.

Q Why were you so concerned about concentration camps? Did you have any official responsibility for them?

A No, I had no responsibility; but since there was so much talk about it I tried to get an impression, a personal impression, because I told myself many people asked me about that and I could not answer them, and I would like to see for myself if it is possible to get a personal impression.

Q Germany had ordinary prisons for criminal prisoners didn't it?

A Of course; naturally.

Q And those prisons had sufficed for a good many years to take care of the criminal population; had they not?

A For that reason they might have been; I could not say.

Q And the concentration camp was something new that came in after 1933?

A Yes. At any rate, I had not heard before that time of any concentration camp in Germany.

Q Did you see any Jews in the camp?

A I don't understand.

Q Did you see any Jews in the concentration camp when you inspected it?

A Yes; there was one barrack which contained Jews, and they all had heavy signs for economic crimes; for fraud and such things. None of them whom we asked--and everybody answered about his punishment--the reason for it --and there was not a single one of these who said that he was there for

H0080 - 0045

H0080-0046

political reasons. The political ones were only the SA men.

Q You couldn't find a single prisoner there who claimed he was innocent?

A No; everyone reported his crime as his punishment.

Q Who accompanied you on that trip?

A As much as I remember, General Weber, who was chief of the General Staff, and I think also Colonel General Udet, and several other gentlemen, but I do not remember at the moment who they were.

Q Who showed you through the concentration camp? Who guided you?

A I don't know what his name was; it was one of the officials of the SD. I assume it was the commander of the camp himself, but I don't know his name.

Q Who was running the concentration camp? What organization was in charge of it?

A I could not say that, but I assume some offices of Himmler's.

Q You have said that the march into the Rhineland was a great surprise to you; is that right?

A Yes.

Q Where were you on your leave when this occurred?

A I was in Bergen for a winter leave; in a foreign country.

Q Norway?

A No; no.

Q What country were you in?

A I was in the Alps; I believe it was southern Tyrol, that is, at that time, Italy.

Q Did you not hear of a meeting, the minutes of which are in evidence here as Great Britain's Exhibit No. 150, concerning the Reich Defense Council meeting held on the 26th of June 1935, some nine months before the occupation of the Rhineland?

A Whether I was present I could not say; I can not remember.

Q There were, according to the evidence, twenty-four members of the Wehrmacht and five members of the Luftwaffe present as well as twenty-four State and Party officials. Were you one of those persons at that conference at which this discussion took place?

H0080-0047

A May I ask again for the date?

Q The 26th of June 1935.

A I can not remember. I don't know.

Q Did you never learn of that meeting?

A At the moment I really can not remember what is supposed to have been said at that meeting.

Q At which the preparations for the occupation of the Rhineland were to be kept secret and the plan was made to invade the Rhineland? Did you ever learn of that meeting?

A I can not remember. I don't believe that I was present.

MR. JUSTICE JACKSON: If Your Honors please, the usual time for adjournment is here. I intend to take up a different subject which involves some documents. It might be a convenient time to adjourn.

THE PRESIDENT: We will adjourn now.

(A recess was taken until 1400 hours.)

H0080-0048

Official transcript of the International Military Tribunal in the Matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany on 11 March, 1400-1700 hours, Lord Justice Lawrence presiding.

BY MR. JUSTICE JACKSON:

Q I want to ask you some questions referring to your duties and activities on the Central Planning Board. You were a member of the Central Planning Board, were you not?

A Yes.

Q And what was the period of your membership?

A From the beginning--I believe that was in the year 1941 or 1942--until the end.

Q Members of that Board, in addition to yourself, were the defendant Speer?

A Yes.

Q Funk?

A Yes, but only later.

Q When did he come on?

A At the moment when a large part of the civil production was turned over to the ministry of Speer.

Q And Koenner? Koenner was a member of the Board?

A Koerner? Yes.

Q Who was Dr. Sauer?

A Sauer was an official in the ministry of Speer, but he did not belong to the Central Planning Board.

Q But he did keep some of the minutes, did he not?

A No, in my opinion, he did not keep them.

Q Sauckel frequently attended the meetings, did he not?

A Not frequently, but at times.

Q What were the functions of the Central Planning Board?

A The distribution of raw materials to the various groups who had contingents; that is, Army, Navy, Air Force, civil requirements, for mining, various sectors, building industry, private concerns, and so on.

H0080 - 0049

Q And labor, did it not?

A Labor, no. That was not to be distributed.

Q It had nothing to do with labor? Do I understand you correctly?

A We could make suggestions, but not the distribution.

Q You mean by that not the distribution between different industries which were competing to obtain labor?

A That was a point which concerned Armament Industry more than the Central Planning.

Q Did you know that Speer turned over to the United States all of his personal papers and records, including the minutes of this Central Planning Board?

A I did not know that; I just hear it now.

Q I will ask that the minutes, volumes of minutes which constitute U. S. Document R-124, offered in evidence as French Exhibit RF 30, be made available for examination by the witness in the original German, and I shall ask you some questions about it.

A Yes.

(Documents were thereupon presented to the witness).

Q If you will point out to the witness page 1,059, Line 22, this, Mr. Witness, purports to be the minutes of Conference No. 21 of the Central Planning Board, held on 30 October 1942 at the Reich Ministry of Armament and Munitions, and the minutes show you to have been present. Do you recall being there at that meeting?

A From that one sentence, I can not see it, but I can well assume it.

Q Now--

A Yes, I see here that in the minutes my name is frequently mentioned.

Q Now, I call your attention to Page 1059, Line 22, to the following entry and ask you if this refreshes your recollection about the functions of that Board:

"By Speer: We must also discuss the slackers. Ley has ascertained that the sick lists decreased to one-fourth or one-fifth in the factories where there are doctors on the staff who are examining the sick men. There is nothing to be said against the SS and Police taking drastic steps and putting those known as slackers into concentration camps. There is no alternative.

H0080 - 0050

Let it happen several times, and the news will soon go around."

Were you not concerned with the discussion of the labor situation in that conference, and does that not refresh your recollection as to the dealing with the labor question?

H0080-0051

A I can remember that there was talk about this question, but the slackers were workers who, in normal times, in peacetime, were not with us as workers, but by mobilizing the total labor power were put into the ranks and with regard to these people, I point out that they were not normal workers, and there were some slackers who disturbed the spirit of the work, and these are the people in question.

Q Those were to be sent to concentration camps, asyou knew?

A Yes, that was said, but that does not mean that was a resolution. Besides, this was not within our competence, to send anybody to the concentration camps.

Q Well, was it not said that there was "nothing to be said against the SS" taking them over? You knew that the SS was running the concentration camps, did you not?

A Yes, of course.

Q And, therefore, you know that turning them over to the SS and sending them to the concentration camps was a means of forcing them to produce more goods, was it not?

A Yes, of course. Of course, these people should be forced. It was a question about the Germans who did not want to perform their duties to their country.

Q Did this relate only to Germans?

A As much as I know, it dealt only with Germans, who were called Bumulantew---fluctuating workers or vagrants. They were the only people who were changing their place of work frequently, and we were mostly told about them by the representatives of our own workers. Our own workers complained about the fact that these people had all the advantages, as far as food, et cetera, was concerned, and they did not do anything and always in time left the factories, and each factory was glad when they got rid of these people.

Q And got rid of them by sending them to the concentration camps under the SS?

A They should be trained because it was said that if these people would get a different kind of ration, not the basic rations which depended

H0080-0052

on the work, they would be quickly trained. I do not see it here, but I can remember that the proposal was made to limit their treatment in time to about two or three months and to take them out again after that time if they were reasonable enough and to re-instate them back into their old conditions.

H0080 - 0053

Q Now, did you have anything to do on the Central Planning Board with the working of prisoners of war?

A No, in my opinion not.

Q Well, I ask that you be shown the twenty-second conference of the Central Planning Board minutes of the meeting held on the 2nd of November 1942, page 1042, at line 24, which quotes you. The English translation is on page 27.

I ask you to refresh your recollection by reading this paragraph:

"Milch, I believe that agriculture must get its labor quota. Assuming we could have given agriculture 100,000 more men, we would now have 100,000 more men who would be more or less well fed. Well, actually, the human material which we received generally above all the PW's are not in good enough condition for work."

Did you make that statement?

A I cannot remember in detal, but I assume -- I don't think I have ever seen these minutes before, but I know that we dealt with the question that agriculture, if at all possible, should get their workers because the question of nutrition was so important and agriculture, of course, beuond the rations which the civilian population received would feed their workers. The question that one put these people into agriculture was quite in conformity with my intentions, but these are only suggestions which were made by the Central Planning Board. I don't know whether Sauckel was present at that meeting. We have uttered our opinion to these people who were there how several questions could be solved.

Q And you made recommendations to the Reichsmarshal, didn't you?

A I could not say that from memory. No, I don't know. I can't say it from memory.

Q Then you knew the Reichsmarshal's wishes in reference to the utilizati of prisoners of war, did you not?

A That prisoners of war were also working, well, I knew that. Especially in the country there were many prisoners of war put to work.

Q Did you attend a meeting with the Fuehrer with Minister Speer?

A At what date?

Q The 5th of March, 1944.

H0080 - 0054

Q The 5th of March?

A The 5th of March, 1944.

A On the 5th of March, yes, I saw the Fuehrer. At that time it was the question to establish a fighter staff, that is, an effort of the entire industry to manufacture as many fighters as possible.

Q Well, I'll ask that you be shown Speer's memorandum of that meeting with the Fuehrer at which General von Bodenschatz and Colonel von Belo were also present. Were they not?

The English translation is on page 35; the German on page 139.

I call your attention to this paragraph:

"I told the Fuehrer of the Reichsmarshal's wish for the further utilization of the productive power of prisoners of war by giving the direction of the Stalag to the SS. With the exception of the English and Americans, the Fuehrer considers the proposal good and has asked Colonel von Belo to arrange matters accordingly."

I ask you how the SS could increase the production of the prisoners of war; what steps you expected to be taken?

Now, just answer my question. What steps did you expect the SS to take to increase the production of the prisoners of war?

A I could not say that today any more. At any rate at that time we really did not know anything about the methods of the SS as we know it today.

Q This was in March of 1944?

A Yes.

Q Well, you have no knowledge of the methods by which the SS would be able to speed up production by prisoners of war. That's the way you want that to stand?

A No, no, that isn't the way I want it to stand. I was thinking about this point because I want to think about it a moment. I believe that it was dealing with the question whether prisoners of war were put to their disposal or not. It was not the question that these prisoners of war should do any work under the SS, only that they should be put at the disposal for that work. That's what I have to assume.

Q Put at the disposal by the SS, you mean?

H0080 - 0055

Well, let's go on to the thirty-third conference by the Central Planning Board. That is on the 16th of February, 1943, at which Speer and Sauckel amon others appear to have been present. The English translation is on page 28; the German page 2276 to 2307. There was at this meeting, to summarize, considerable discussion of the labor situation, first a report from Schreiber and then Tim gave a general discussion of the labor situation. I call your attention to your contribution on page 2298 at the top.

A Yes, I have just read it.

Q It is as follows:

"Milch, we have made a request for an order that a certain percentage of men in the artillery must be Russian. Fifty thousand will be taken together. Thirty thousand are already employed as gunners. This is an amusing thing that the Russians must work the guns."

What was amusing about making the Russian prisoners of war work the guns

A The words "We have demanded", that doesn't mean the Central Planning Board, but that means Hitler had made that demand.

Q Yes, the German Government.

And I find it very peculiar that one should let the prisoners of war shoot against the planes of their allies. We did not like it because we ha to release these men from this work. We were against it that they should be used in AA.

Q "This is an amusing thing that the Russians must work the guns."

What was amusing about it?

A I found it peculiar, not to be understood. I cannot say whether that word was used. I don't know these minutes. I have not seen them befo

H0080 - 0056

Q Now, I call your attention to the rest of your statement.

"The last 20,000 are still outstanding. Yesterday I received a letter from the Army High Command, in which they say they could not release a single man. They themselves have not enough. Thus this measure will not be successful for us."

Who does "for us" refer to if not to your industry requirements?

A I think these minutes are wrong. It has never been said because it doesn't make sense. I cannot accept these minutes in that form.

Q Let's turn to page 2298 for a --

A To clarify this I can say that it deals with the problem of taking people out of armament and into anti-aircraft. We who were concerned with armament did not want to release these men and we were against it. That was the idea of the whole thing, and the OKH declared that they did not have enough people.

Q I understand the sense of this to be that you applied for certain workmen for the armament industry and that the Army High Command refused to give you the men and said they already employed working guns and other work. Now, is that the sense of that or isn't it?

A No, not quite.

Q Now, just tell me what the sense of it is.

H0080 - 0057

A As much as I can remember the whole affair, the armament should release for the Air Force 50,000 Russian prisoners for anti-aircraft, that the armament industry would not miss these people.

THE PRESIDENT: I am afraid we must adjourn due to some technical difficulty.

(A recess was taken)

THE PRESIDENT: Mr. Justice Jackson, it may be convenient to you to know that we are going to rise at 4:30 today.

MR. JUSTICE JACKSON: I hope to be finished by then.

CROSS EXAMINATION - continued

BY MR. JUSTICE JACKSON:

Q I will ask to have your attention called to page 2297, in the English translation about page 28, to your contribution, which reads as follows:

"Milch: Of course a front exists somewhere in the East. This front will be held for a certain time. The only thing which the Russians inherit if we evacuate an area is the population. The question is whether we had not better make it a rule to take the population back first as far as 100 kilometers to the rear of the front. All of the civil population will be taken back 100 kilometers behind the front."

Do you find that?

A Yes, I have found it.

Q And I understood you this morning to state that it was a rule promulgated in your book that the civilian population should not be interfered with.

A From the last sentence, that the people would not be used for earth work, we can see that these people at that time were used for earth work. What kind of people they were I could not say. They had been used for these kinds of work already.

Q And you knew that. You knew that they were being used for that kind of work.

A That is in there in these minutes. I do not know it today any more, but at that time, according to the minutes, it has been said, that is to say, if these minutes are correct.

H0080-0058

Q And you knew they werebeing used, the civilian population was being forced to dig trenches for your troops.

A Today I have no recollection of that, but at that time it was said, as the minutes show.

Q Now, I will ask to have your attention called to the minutes of Conference Number 11 of the Central Planning Board, held on the 22nd of July 1942; German, page 3062; English translation, 38.

First let me call your attention to the fact that at that meeting it appears that among those present were Speer, yourself, Koerner -- did Koerner represent the Reichsmarshal?

A Yes, for the Four Year plan. He was the representative for the Four Year plan.

Q At all meetings of this Board Koerner represented the Reichsmarshal, did he not?

A Yes. He represented him for the Four Year Plan.

Q And Sauckel was present, and representatives from the Iron Association, the Coal Association, and the Ministry for Armaments and Munition

A Yes.

Q There was considerable discussion of the labor problem, and the requirements of those industries. On page 3062 I call your attention to this entry:

"General Fieldmarshal Milch will take measures to accelerate the procuring of the Russian prisoners of war from the camps."

I ask you what measures you expected to take to accelerate procuring prisoners of war from the camps.

A Since I was a soldier I had taken the job to present this question to the OKW, in whose competence the prisoners of war were at that time.

Q You didn't personally deal with the prisoners of war, but you undert to obtain them from the OKW?

A These prisoners of war had been put down for transfer by the Government. The transfer took very long, the transport, and since we had to speak to the OKW about it I did that, and I told the OKW that they should increase the speed of these transports.

H0080-0059

Q Now let us turn to Conference Number 36, dated 22nd of April 1943; the English Translation, page 13; German 2125. There again I call your attention to the fact that Speer, yourself, Sauckel, and Koerner were among those present. There again you discussed the labor problem, did you not?

A Yes.

Q And Koerner reported as follows, referring to Koerner:

"On the 1st of April, we had in agriculture a deficit of about 600,000 laborers. It had been planned to cover that by supplying labor from the East, mainly women. These laborers will first have to be supplied until other laborers are released from agriculture. We are justentering the season when the heaviest work in the fields has to be done", and considerably more, which I will not take the time to quote.

I call your attention to page 2128, your contribution to that discussion, which reads as follows:

"If one proceeds as I propose and Tim agreed to it, no damage can be done. This ought to be done in any case. For the rest I completely agree. We must now supply the mines with labor. The greatest part of labor which we can supply from the East will indeed be women, but the Eastern women are quite accustomed to agricultural work, and especially to the type of work which has to be done these coming weeks, the hoeing and transplanting of turnips, and so forth. The women are quite suitable for this. One thing has to be considered. First you must supply agriculture with the women. Then you can extract the men, laborer for laborer. It is not the right thing if first the men are taken away and the farmers are left without labor for four to six weeks. If the women arrive at such time they arrive too late."

I ask you how many women were transported to agriculture as a result of this conference.

H0080-0060

A On the basis of this conference none at all, but this conference was only a suggestion from our side to assure for industry and agriculture a certain balance of labor. Without the labor in mining, work could not be continued. Therefore labor was urgently needed, and here a suggestion wasmade as to how an exchange could take place to take men out of agriculture and replace them by women, whom, of course, one could not put into the mines.

Q To whom did you make these suggestions? You say they were not decisions but just suggestions.

A No, the suggestions were made to the representatives of the Labor Ministry. I read the name Tim. That wasone of the higher officers of that ministry.

Q And Sauckel?

A I don't know whether Sauckel was present at that meeting. I only remember the name Tim.

Q It appears from the minutes that he was there, but whether he was or not you made suggestions, as the planning committee, to Sauckel as to the needs for labor, didn't you, and called upon him to supply them?

A Yes, we had the necessity in mining to have additional workers. New workers could not be found. Therefore it could only be done by an exchange.

Q I understand you. You will save a great deal of our time if you will just answer the questions.

Now I call your attention to Conference No. 54 of the Central Planning Board, held on 1 March 1944, English translation page 1, German page 1762. At this conference I remind you that it appears that Sauckel, Milch, Schreiber, and Turner were among those present. It was held at the Ministry of Air Transport and you discussed the desirability of draining off young male people from France so that they would not be available to act aspartisans in case there was an invasion by the Allies of French territory.

Do you recallsuch a meeting?

A I cannot remember in detail. I have already in other interroga-

H0080 - 0061

tories here in Nurnberg and in England stated that it is impossible to remember all these things in detail, which issues we were confronted with in large numbers, particularly since my memory has suffered, because I have been hit over the head after I was captured.

Q It will help you if you will refer to page 1799, opposite the name "Milch" and will read the entry, which reads as follows:

"Milch. In case the invasion of France begins and succeeds only to a certain degree, then we shall experience a rise by partisans such as we have never experienced either in the Balkans or in the East, not because this would have happened in any case but only because we made it possible by not dealing with them in the right manner. Four whole age groups have grown up in France, men between eighteen and twenty-three years of age, who are therefore at that age when young people, moved by patriotism or seduced by other people, are ready to do anything which satisfies their personal hatred against us, and of course they hate us. These men ought to have been called up in age groups and dispatched to Germany, for they present the greatest danger which threatens us in case of invasion.

"I am firmly convinced, and I have said so several times, if invasion starts, sabotage of all railways , works, and supply bases will be a daily occurrence, and then it will really be the case that our forces are no longer available to survey the execution of our orders within the country, but they will have to fight at the front, thereby leaving in their rear a much more dangerous enemy who destroys their communications, and so forth. If one is shown the mailed fist and a clear-cut executive intention, a churchyard peace will reign in the rear of the front at the moment the uproar starts. This I have emphasized so frequently, but still nothing is happening, I am afraid, for if one intends to start to shoot at this moment, it will be too late for it. Then we have no longer men at our disposal to kill off the partisans," and you then go on to state that you think the army should handle the executive action required in rounding up these people.

Does that refresh your recollection?

H0080 - 0062

A Yes, it is correct in this sense, but whether it is correct word for word I cannot say. It dealt with the fight of our country for life and death and one had to take care that there would not be a knife in our backs by a secret army. Their resistance would flare up and our resistance would break down, as it really happened later.

Q And you proposed to eliminate the population back of the lines in so far as they might constitute a menace to your operations in this invasion?

A No, these people would in time, as it was promised by the French Government, have been sent for work in Germany. That was my opinion. That was the necessary thing, that these people should come to work in Germany, as the French Government had promised in their treaty with the German government, instead of letting these people go into the Marquis and commit sabotage, and as a means against sabotage make necessary the shooting of them later.

Q You did not confine your use of forced labor to your enemies; it was also applied against your own allies, was it not , (page 1814) and did you not contribute to this discussion?

"Milch. Would not the following method be better? We could take under German administration the entire food supply for the Italians and tell them only he gets any food who either works in a protected factory or goes to Germany."

A That was after one part of Italy had been lost, and it dealt with Italian soldiers who had declared themselves against Mussolini, and these people were sitting around behind the front and did not want to work, and committed sabotage against the German Army. Consequently, this proposal was made that it should be said to these people, "You can get your food and everything, but you have to work some place, and that is either in Italy or in Germany."

Q I think you said in your direct examination, or perhaps earlier in your cross-examination, that you did not know about any forced labor from occupied territory, that you had no knowledge of that. Is that still your statement?

H0080 - 0063

A I have not quite understood that. Forced labor?

Q Forced labor, yes.

A Yes.

Q You didn't know about it?

A In the case of these people, they were prisoners of war, the Italians, which were at our disposal for work after an agreement with that Italian Government, which we recognized. Mussolini had put these men at our disposal for thatpurpose.

Q Let us not bother with Mussolini here. I ask you whether you still stand by the statement you made earlier, as I recall it, that you did not know of any forced labor brought in from the occupied countries to Germany. Is that your statement, or isn't it?

A So far as free people are concerned, I still assert that. In this case they were people who were put at our disposal, and, Mr. Justice, at that time this Italian government still existed even if today we do not speak ab ut it. But at that time it still existed.

Q I ask that your attention be brought to page 1827 of the minutes of this meeting at which you were present, and where the discussion you just admitted took place, and I call your attention to the line opposite the name "Sauckel," from which it appears that Sauckel then reported: "Out of the five million foreign workers who arrived in Germany not even two hundred thousand came voluntarily."

A I cannot remember that at all.

Q You don't have any recollection of that; all right.

A No, I have no recollection.

H0080-0064

Q Well, we will go on then to Conference No. 23 of the Central Plans Board, stillthe 3rd of November 1942. It is the English translation, page 27. The German text is on page 1024, in which it appears that you were present at and participated in the discussion, and I call your attention to page 1024, line 10, to these entires of the stenographic minutes:

"SPEER: Well, through the industry we could deceive the French by telling them that we would release for their use, all prisoners of war who are rolling mill workers and smelters if they would only give us the names.

"ROLAND: We have established our own office in Paris. I see, you mean the French should report the smelters who are prisoners of war in Germany?

"MILCH: I simply say, you get two men in exchange for one of these.

"SPEER: The French firms know exactly which prisoners of war are smelters. Unofficially, you should create the impression that they would be released. They give us the names and then we get a hold of them. Do that.

"ROLAND: That is an idea."

Now, your contribution was to want two men in place of one; is that right?

A Yes; that is to say, two people from another profession to be released for one of these experts. That was the Government proposal and how they were needed, you can see.

Q That was your entire objection?

A The entire purpose was to get such people and to give them others in exchange.

Q Now, let us take up Conference 53 of the Planning Board, held the 16th of February 1944; English translation, page 26, and the German from 1651. You will find yourself included among those who were present and it was at the Reich Air Ministry that it was held. I first call your attention to the entry on page 1863, the words opposite "MILCH": "The armament industry employs foreign workers to a large extent; according to the latest figures, 40%. The new directions by the Plenipotentiary General for Manpower refer mostly to foreigners and we lost a lot of

H0080-0065

German personnel which was called up -- especially the air industry,, being a young industry, employs a great many young people who should be called up. This will be very difficult, as is easily seen, if one deducts those working for experimental stations. In mass production, the foreign workers by far prevail. It is about 95% and higher. Our best new engine is made 88% by Russian prisoners of war and the other 12% by German men and women. 50-60 JU-52 which we now regard only as transport planes are made for us, only six to eight German men are working on this machine; the rest are Ukrainian women who have beaten all the records of trained workers."

Do you recall that?

A Yes, I can remember that.

Q And on 1873, you come forward with this suggestion:

"MILCH: The list of the shirkers should be entrusted to Himmler's trustworthy hands, who will make them work all right. This is very important for educating people and has also a deterrent effect on such workers who would likewise feel inclined to shirk."

A Yes, there has been the question of shirkers which I described this morning.

Q Among foreign workers, wasn't it?

A No, these were Englishmen, the shirkers.

Q Englishmen are foreigners in Germany, aren't they? I don't know what you mean, they were not foreigners. They were Englishmen.

A No, English prisoners of war have never worked with us. No, it could not be Englishmen.

Q What were they? You say they were entirely German.

A It was "inlaenders", what we understood as "Bumulantens" (shirkers) who were the group of people who only workd during the waraand normally did not belong to our labor manpower but were forcibly taken during war time for that purpose.

Q We will get to that in a minute. First, I want to ask you how Himmler was going to make them work. What did Himmler do, what methods did Himmler possess? Why were you proposing Himmler in this thing?

H0080 - 0066

A Because Himmler reported in a discussion about the fact that there are different rations for the workers above the basic rations they had considerable additional rations, depending upon the type of work; for heavy work, several times the normal daily ration. Each ration for normal work was given by the nutrition office independent of the question of how and why the man worked.

In the case of Himmler, however, the proposal was made that they give out the additional rations only then and to the extent that they deserved it for their work. Since Himmler had some people who were from concentration camps, and so forth, it was possible for these workers, he could use this method, and could introduce it, and, therefore, the proposal to send people who committed work sabotage against their own country, to send them--by giving these additional rations only if they did that work.

Q You know the differe ce between work camps and concentration camps, don't you?

A Yes, of course.

Q And these people who were doing work in these industries were kept inthe main in the work camps, were they not, in which their rations were controlled without Himmler's hands being in it at all?

A No, the German workers were not in work camps, generally. They lived at home, and rec eived through the nutrition offices their additional rations. I want to point out a ain that the wish to take stronger measures came from the workers and executives, who at first complained, why the people who did not do anything, did not do their work, at a time of danger, should get additional rations and be better off then the other people, the population.

Q You say that all you are talking about were German prisoners of war and never foreign workers. Now, be clear about that?

A Well, I mean, about shirkers, I refer to German workers; in my opinion, it can only be these.

Q I ask that your attention be called to page 1913: "MILCH: This is your contribution at that point: "It is therefore not possible to exploit fully all the foreigners unless we compel them by piecework

H0080-0067

or we have the possibility of taking measures against foreigners who are not doing their bit." Did you find that entry?

A Yes.

Q And then you proceeded to complain that "if a foreman lays his hands on a prisoner of war or smashds him, there would be a terrible row and the man is put into prison. There are sufficient officials in Germany who think

H0080 - 0068

"it their most important duty to stand up for human rights instead of war production. I also am for human rights, but if a Frenchman says 'You fellows will all be hanged and the chief of the factory will be beheaded first' and if then the chief says 'I am going to hit him!', then he is in a mess. He is not protected but the poor fellow who said that to him is protected." Did you report that to the meeting?

A That may be.

Q What did you suggest?

A I know from memory that such cases have had occurred, that foreign workers threatened their German foreman and in the factory, and if that man fought against him then something was done against him, and I didn't think that was correct.

Q Now, you provided your own remedy. Didn't you in the next line say: "I have told my engineers' I am going to punish you if you don't hit such a man. The more you do in this respect, the more I shall praise you. I shall see to it that nothing happens to you.' This is not yet sufficiently known. I cannot talk with all factory leaders. I should like to see the man who stays my arm because I can settle accounts with anybody who stays my arm." Did you find that?

A I have seen it just now, yes. I cannot remember the words in detail but my point is that it was an impossibility that a prisoner or foreign worker could say to his German foreman "We will cut your throat."

Q Well, do you mean to say that if a prisoner of war attempted or threatened to cut his throat, that German officers would stand up for him as against the employer? You don't mean that, do you?

A (No answer).

Q Well, we will go on: "If the little factory leader" -- I am still quoting from you -- "does that, he is put into a concentration camp..." Do you want to find that?

A Yes, I see it.

Q "...and runs the risk of losing prisoners of war." Now, I am still quoting you and I want you to find the entry, "In one case, two Russian officers took off with an airplane but crashed. I ordered that these two men be hanged at once. They were hanged or shot yesterday. I left that to the SS. I expressed the wish to have them hanged in the factory

H0080-0069

for the others to see." Did you find that?

A I found it, and I can only say I have never made anybody hang them nor can I give the order. I said I consider it quite impossible that I said that. I had nothing to do with this question. I do not know of any case where two Russian officers fled with the plane.

Q Is there anything else you would like to say with reference to that entry?

A No, I have nothing to say. I do not know anything about it and I don't believe it has ever been said.

MR. JUSTICE JACKSON: That is all that I have at the present time.

BY MR. ROBERTS:

Q Witness, I have some questions on behalf of the British Delegation. My first point is this: You said on Friday that beginning in 1935, an air-force was built up in Germany for defensive purposes. Do you remember that?

A Yes, 1935.

Q And do you say that it remained on a defensive basis up until December 1939?

A Yes.

Q I want you to listen to three pieces of evidence--speeches made by your chief, the Defendant Goering. I am quoting from the shorthand notes of the 8th of January, in the afternoon, on page 2306. In May of 1935, Goering said: "I intend to create a luftwaffe which, if the hour should strike, shall burst upon the foe like a course of revenge. The enemy must have the feeling of being lost already before even having fought." Does that sound like a defensive airforce?

A No, that does not sound like it, but one has to separate the words from the deeds.

Q I will come to the deeds in a moment.

THE PRESIDENT: If there is any more of this laughter the court will have to be cleared.

H0080-0070

BY MR. ROBERTS:

Q On the 8th of July 1938, Goering, addressing a number of German aircraft manufacturers, said that "War with Czechoslovakia was imminent; that the German airforce is already superior to the English airforce. If Germany wins the war, she will be the greatest power in the world, dominating the world market, and Germany will be a rich nation. To this goal risks must be taken." Does that sound like a defensive German airforce? Does it?

A No, that certainly does not sound like it, but later I would like to say something in answer to that.

H0080-0071

Q Please limit yourself, if you can, in the interest of time, in answering any question, which is very short. Now may I read you one further piece of evidence, the speech made by Goering on 14 October, 1938, that is, less than a month after the Munich Pact. "Hitler has instructed me to organize a gigantic armament program, which would make insignificant all creative achievements. I have ordered a building as rapidly as possible of an air force five times as large." Does that sound like a speech for defensive purposes?

A This air force would have taken many years to build.

Q I state to you such fact on that point was grossly incorrect. I now want to come to my second point. You were present at the conference of the Service Leaders in the Chancellery on the 23 May 1939?

A What was the date please, if I may ask?

Q I would like you to see the document, which is L-79. You did see it on Friday, I think.

A On the 27 May, wasn't it?

Q Yes, that is right. I just want to remind you to ask who else was present. There were the Fuehrer, Goering, Raeder, von Brauchitsch, Keitel, yourself, Halder, General Bodenschatz, Warlimont--was Warlimont deputy of Jodl?

A I cannot say for whom he was there.

Q Very well--and others; I don't mention the names. Now, Mr. Witness, those names were leaders of the German armed forces?

A May I say, so far as I can remember Field Marshall Goering was not present. I cannot remember.

Q He is down there as being present. You think he was not there?

A Yes. I cannot remember any more. I have my recollection that I was sent there to represent him at the last moment.

Q Whatever it is about Goering, if he was not there, those others were mostly leaders of the Germany army force, is that right?

H0080-0072

A Yes. It was the Commander in Chief of the Army and the Commander in Chief of the Navy, and the OKW, yes.

Q Would you describe them from your knowledge of them as men of honor?

A Yes.

Q Is it one of the qualities of men of honor that he keeps his word?

A Yes.

Q You knew, of course, did you not, that Germany had pledged her word to respect the neutrality of Belgium and the Netherlands, and Luxembourg?

A I assume so. I did not know the agreement, but I assume so.

Q Did not you know that less than a month before that meeting, namely, 28 April, Hitler in the Reichstag gave an assurance of his respect for the neutrality of a large number of countries, European countries, including the three I have mentioned? Did you not know that as a matter of history?

A I assume that, yes.

Q We have seen the film, you know, in the court, of that very course, that the Defendant Goering presided as President of the Reichstag that day that assurance was given.

A I have not seen the film. I do not know the film.

Q Yes. It is a German newsreel. Do you remember that at that conference Hitler said these words, which are well known to the Tribunal: "The Dutch and the Belgian air bases must be occupied by the armed forces. Hitler's notions of neutrality must be ignored. An effort must be made to deal the enemy a significant or final decisive blow right at the start. Considerations of right and wrong, or treaties do not enter into the matter." Do you remember those words being said?

A I cannot remember exactly what the words were. I know that that dealt with the question of the Polish Corridor, and of Danzig,

H0080 - 0073

where Hitler explained what to do with the property we come into, when we come into it, and what he intends to do, but as to what he said in detail I do not remember.

Q Was any protest made by any of these honorable men at the breach of Germany's pledge of her word?

A During this meeting it was impossible for anyone present to speak at all. Hitler sat behind his desk, and in front he made the speech, and after the speech he walked away. The discussion did not take place, and was not being admitted by him.

Q And was it impossible for the honorable men to protect his honor, Mr. Witness?

A I cannot exactly remember the words that Hitler said, such as it is shown here.

Q Can you give the Tribunal your opinion of it?

A In this meeting I was not under the impression he had said anything at all which was against the obligations which we had taken upon ourselves. That I cannot remember.

Q Will you now say that those minutes are wrong?

A No, I cannot say that. I can only say I have no recollection of any detail as to the words. Whether the minutes are correct I do not know. As much as I know they have been edited later by one of the adjutants present.

Q Because we know that is what exactly Germany did twelve months after, to break their pledge of word to the Netherlands and Luxembourg, and brought misery and death to millions. You know that now, don't you?

A That I know, yes, but as soldiers we had nothing to do with the political question. We were not asked about them.

Q Do you call the honoring of--

DR. RUDOLPH DIX: I speak not for the Defendant Schacht, but for the entire Defense. I ask the Tribunal and say that the witness may be asked a fact, and not for moral judgment.

H0080-0074

THE PRESIDENT: He is b ing asked about facts.

DR. DIX: Sir?

THE PRESIDENT: I said he was being asked about facts.

BY MR. ROBERTS:

A You have just said that you know now--we know that twelve months later Germany violated the neutrality of Belgium, the Netherlands, and Luxembourg.

A But we do not know for what reason that happened, and whatever the Government of the country has taken up was not a job of the soldiers to judge that.

Q Was not it a job of the soldier to object if he was asked to break his country's word.

A If he breaks this word, in his letters where he is a soldier he has not anything to say whatever. I agree and say that on foreign territory where the soldier could not overlook, and about which a soldier does not know anything, he cannot be held responsible for such a question.

Q You can only speak of your own knowledge. Are you saying that you do not know that your country was pledged to observe the neutrality of these three small countries?

H0080-0075

A That I have read in the Reichstag the speech, but I did not make known how the other side had reacted to that promise at the time known to me. It could be quite possible that the other side to use this guarantee, did not want this guarantee at all for a protection. The soldier can not see that clearly. Only the political leadership could know about that.

Q Well, we perhaps will have to ask that of the soldiers in the high command, who are now in the Dock, when they get in the witness box. But I put it to you that it must have been common knowledge in Germany that Hitler was giving guarantees and assurances to all these smaller countries?

A Hitler has proposed and offered to make many things. He offered for all countries limitation of armaments. He offered not to use any bombing planes, but his proposals in these cases, they were not accepted, therefore, any political leadership had to know what they should demand from their soldiers, and get response from their soldiers. The soldiers of the line have only to judge and to obey.

Q Answer my question. That was not an answer to my question. I take the facts now Mr. Witness from the documents, from your own German documents. I want just your knowledge and your idea of honor. Did you not think it grossly dishonorable to give the pledge on 28 April, and to make a secret resolution to break it on the 23 of May?

A You are right, if the situation has not changed in conditions, the conditions have not changed in any way, and that is my judgment.

Q You must have your own code of honor, even though you are in the service.

THE PRESIDENT: I don't think so.

BY MRE. ROBERTS:

Very well, I will not acquire an answer to that. Very well.

THE WITNESS: I do not even understand his question

Q You know, of course, that the neutrality anyway was violated?

A Yes, but according to our knowledge, or our opinion it was violated twice.

Q Do you know that on the 12th and 13th of March 1940, Jodl was putting in his diary, "The Fuehrer is still looking for excuse to give to the world for invasion of Norway." Do you know that?

H0080-0076

A I do not know of that diary and that entry.

Q You took part actually in the invasion of Norway, did you not?

A A few days after the beginning of th invasion I was leading the air force there for a short time.

Q You had actually a command in Norway?

A Yes.

DR. HERMANN JAHREISS: Dr. Jahrreiss, for the defendant Jodl. I consider it necessary to make a clarification, which may be made from the misinterpretation or mistranslation. I have just heard about the entry by Jodl in his diary, and a re-translation from the German as coming from the Fuehrer, "Is still looking for an excuse," and in the German text it shows "A reason for justification." I also believe that justification is in the English translation, and that it should not be translated by outrage pretext or excuse. That is an entirely different thing.

MR. ROBERTS: Whatever it is, why that reads as the translation of his witness. Would you agree that according to the entry in the diary, the Fuehrer was still looking for it, whether it was a reason or an excuse. Now I only want to ask you one more question on this side of the case.

Q You know that Belgrade was bombed in I think April 1941?

A I have heard about that from the Army report at the time.

Q Without any declaration of war, or any warning to the civilian population at all, you heard that?

A That I do not know, no.

Q Have not you discussed it with Goering?

A About the attack on Belgrade? No, I can not remember.

Q Did not he even express himself in regard, shall we say, a large bombing to a large capital without even one hour warning to the civilian population?

A That to my knowledge I can not remember of any such conversation.

Q That is murder, isn't it?

A (No answer)

Q You would rather not answer that question?

A I can not answer that yes or no, because I do not know the conditions which lead to the attack. I do not know whether the war was declared. I do not

H0080 - 0077

know whether the warning took place. Neither do I know whether Belgrade was a fortress. Neither do I know what part was attacked in Belgrade. I know of so many bombing attacks of which it could be said the same thing, that could be said.

Q The question, Mr. Witness, that unless we had the use of the document in front of us, it was Hitler's order that Belgrade was to be suddenly destroyed by waves of bombers, without any ultimatum, or any diplomatic movement, or negotiations at all; would I put that question if I had not known of the document. Let me turn to something else.

A May I say I thought of this the first time today by your words of this document.

Q I want to put to you now on the incident with regard to the Camp Stalag Luft 3 at Sagan. Do you know about what I am talking?

A Yes, I know about that now.

Q Do you know on 24 and 25 March 1944, about eight air force officers, British, Dominian, and other escaped from that Stalag Luft 3 camp?

A I know about the case from the British camp in which I was kept, where the entire case was displayed on the wall.

Q I may say, we cannot but help know it in a moment. Did you know that officers, eight or sixty, were shot?

A Yes.

Q In various parts of Germany -- only the occupied country extending from Danzig to Saarbruecken; you heard of that?

A I have heard that about fifty were killed. I do not know where.

Q Have you heard that quite unusual the bodies were never seen again, but that urns said to contain their ashes were brought back to the camp, you heard of that?

A That could be seen from the speech of Mr. Eden, who was in the Lower House, and I found that out in the camp where I was.

Q You heard that, although these officers were reported by your Government as having been shot while offering resistance, or trying to escape, yet, not one was wounded, and all sixty were shot dead.

A Those I only heard of by public announcement in Germany, that these officers while they were trying to resist, or trying to escape, had been shot. We did not believe it in that form, and about this point there was much dis-

H0080-0078

cussion among ourselves without knowing any of their facts. We were afraid that murder had been committed.

Q You were afraid that murder had been committed. It does appear likely, doesn't it?

A We gained this impression after we heard all the details.

Q It is quite clear that if that was murder the order for that murder would have to come from a high level, isn't it?

A Surely, certainly. Further, more details I have heard from General Westhoff about these cases, while I was in captivity together with him in England.

Q Now, I want to ask you, first of all, about the prisoner of war organization. Was the prisoner of war organization a department of the OKW?

A In my opinion, yes.

Q Which was called KGW, Kriegsgefangenen Wesen?

A I cannot say any more about it, because I don't know how it was. I only knew that there was a chief of the Kriegsgefangenen Wesen with the OKW.

Q Was the chief of the Kriegsgefangenen Wesen at that time General Major von Graevenitz?

A Von Graevenitz, yes.

Q This was an air force camp? Stalag Luft 3 was an air force camp?

A Yes. It had such a name that I was convinced that all prisoners were under the OKW. That was my attitude, my opinion. I cannot say more about it because I did not know much about that organization.

Q Was the directorate for supervising the air force camps, or the inspectorate, rather, called Inspectorate No. 17?

A There was an inspectorate, an inspection, which for this question was installed according to the name. What they had to do and what tasks they had, I cannot say. Whether it was just for examination or anything else, I would not know.

Q Was the head of that General Major Grosch?

H0080-0079

A Grosch?

Q Grosch.

A I cannot say. It is possible. I know the name, but I do not know whether he held that position.

Q And the second in command, Oberst Waelde?

A It is not known to me.

Q You were No. 2 in the air force at the Air Ministry in March 1944, were you not?

A There were more number 2's at that time. I was in the same rank as the chief of staff, the chief of the personnel office, and the chief of technical armament, which were independent of ours and were working beside me, but according to the rank I was the second highest officer in the air force.

Q Was there a conference in Berlin on the morning of Saturday, the 25th of March, about this escape?

A I cannot remember.

Q Did not Goering speak to you about that conference?

A I have no recollection; I cannot remember that.

Q Did Goering never tell you that there was a conference between Hitler, Himmler, himself and Keitel on that Saturday morning?

A No. I do not know anything about that. I could not remember anything.

Q At which the order for the murder of these recaptured prisoners of war was given?

A No, I know absolutely nothing about that. According to the descriptions which I have received later, it was entirely different. About this I received information from General Westhoff and also from General Bodenschatz.

Q General Westhoff we are going to see here as a witness. He has made a statement about the matter saying--

A I beg you to excuse me. I could not hear just now.

Q General Westhoff--

H0080 - 0080

A Yes.

Q --has made a statement--

A Yes.

Q --and we are going to see him as a witness.

A Yes.

Q So perhaps I had better not put his statement to you, because he is going to give evidence. Perhaps that would be fairer from the point of view of the Defense. But are you suggesting that these officers, if they were murdered, to use yourwords, having escaped from an air force camp, that action could have been taken without the knowledge of Goering?

A I consider it absolutely possible in the great confusion which existed in highest places at that time.

Q High confusion in March 1944?

A During the entire time already there was terrible confusion.

Q But it is quite clear--

A Hitler mixed into all questions, and gave his orders over the heads of the Wehrmacht or by himself.

Q But did you never discuss this matter with Goering at all?

A No. I cannot remember that I ever spoke to Goering about these questions.

Q Don't you think this is a matter which reflects shame on the armed forces of Germany?

A Yes, that is a great shame.

Q Yet Goering never spoke to you about it at all? Did you ever speak to Keitel?

A May I say that during that time I have met Goering practically at no time.

Q Did you ever speak to Keitel about it?

A No, never. I saw Keitel even more seldom than Goering.

Q Wasn't there a General Foster or Foerster at the Air Ministry?

A Yes, there was such a gentleman.

H0080-0081

Q General Foerster?

A Yes.

Q Was he Director of Operations?

A No. He was, according to the German name, chief of the Luftwehr, and as such he had to deal with personnel replacements in connection with the General Staff and the Reichsmarshal, but during wartime he

H0080 - 0082

was in charge of the civil aviation, and regarding civil aviation he worked together with me, but during the war--

Q I was going to ask you, did he ever mention this shooting to you?

A I have been asked about that once before, but much as I may try I cannot remember. It is not impossible that in the course of a conversation he may have told me that officers had been killed. If, and in what sense, he may have told me, I do not remember. I have not received an official report through him. It would not have been correct.

Q If Foerster told you, did you ever report it to Goering?

A I cannot remember the conversation with Foerster. Therefore, I do not believe that I have talked to him about it. He did not give me a report which I could have given to Goering--passed on to Goering--but this report would have gone directly from him or through other channels much quicker to Goering.

Q Did you take any steps to prevent this shooting being carried out?

A When I heard about it for the first time, I could not get a clear picture, but even if I had had a clear picture of it then, from the words of Westhoff it is clear to me that it would have been much too late.

Q Why too late?

A Because, first, Westhoff knew about it first of all when he found out, and he was told already that the order had been executed. But I may point out that General Westhoff testified to that and will testify to that.

Q Very well, you never went to Goering at all on the matter, as you say?

A I don't know anything about that.

Q Now I am going to deal with three more points for them. With regard to the use of labor for the armament industry, Mr. Justice Jackson has asked you questions on that. Was labor from concentration camps used?

A Yes.

Q Would you just look at 1584-PS: that is shorthand note 1357, 12th of December, in the afternoon.

(A document is handed to the witness).

Is that a teletype from Goering to Himmler, dated the 14th of Februar

H0080 - 0083

1944? There are various code numbers; then, to Reichsfuehrer SS; that was Himmler, Reichsminister Himmler. Who actually sent that teletype? It is signed by Goering, but he wouldn't be dealing with questions of labor, would he; or would he?

A I could not say, I could not say who actually sent it.

Q That was a subject with which you dealt, was it not, the position of labor for air armament?

A Only as long as I had to do with air armament I have sent the demands for labor to the respective officers, but this telegram did not come from my office.

Q If it didn't come from your office, whose office did it come from?

A There are a few things here. First --

Q From whose office did it come?

A I cannot say that offhand.

Q Very well.

A I don't know.

Q Second sentence: At the same time I ask you to put at my disposal as great a number of concentration camp convicts as possible for air armament, as this kind of manpower proved to be very useful according to previous experiments. You had frequently used concentration camp labor, had you?

A During the last time, yes. This is of the 15th. May I ask about the month of the telegram?

Q Yes, I told you witness, 14 of February, 1944. It is on the top.

A Yes, I couldn't read it.

Q No, I quite understand. And did Himmler respond by providing you with ninety thousand further concentration camp prisoners? I refer to 1584 PS Number 3, dated 9 March, 1944. It is to the "Most honored Reichsmarshal" from Himmler. It says:

"At the present time 36,000 prisoners are employed for the purpose of the Air Force. Increase to a total number of ninety thousand prisoners is contemplated."

Then he refers in the last paragraph:— "The movement of manufacturing plants of the aviation industry to subterranean locations requires a further employment of about one hundred thousand prisoners."

Now, those were concentration camp internees, witness.

(The witness was handed a document)

A Yes, I see that from that letter.

Q You said you were almost innocent of the conditions reigning in concentration camps.

A No, I don't know about that.

Q You have not seen the films when the camps were captured?

A No.

Q The grim contrast -- just wait a moment -- the grim contrast between the plump and well-fed guards and civilians and the skeletons of the internees?

A I have not seen the film but I have seen photographs in England.

Q Did you close your eyes deliberately to what was going on in Germany?

A No, there was no possibility for us to see that.

Q You, in your position, could not know what was going on?

A It was absolutely impossible.

Q Now then, I just want to deal very shortly with a matter upon which Mr. Justice Jackson touched but he did not read the letter. That is the question of the experiments for the purpose of Air Force research. I am anxious to refer to as few documents as possible but I can give the reference.

H0080-0084

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Do you know that on the 15 of May, 1941, and the reference is shorthand note 1848, 1602-PS, that Dr. Rascher wrote to Himmler?

A I did not know about that. I think I have told that recently during the interrogations.

Q He had very dangerous experiments for which no human would volunteer; monkeys were not suitable and so he asked for human subjects and Himmler at once provided, said he would be glad to provide human subjects for the experiment. Now, that was in 1941. Did you know that was taking place?

A No. I did not know anything about that.

Q Now, Rascher was --

A I did not know Rascher personally.

Q He was a doctor on the staff of the Air Force.

THE PRESIDENT: But, Mr. Roberts, this is not a letter to this witness, is it?

MR. ROBERTS: My Lord, I am leading up. The next letter is a letter signed by this witness. That was preliminary. Perhaps I had better come to the letter which he signed now. I am much obliged.

BY MR. ROBERTS:

Q I want to put to you now 343 PS and I also want to put to you, if the officer in charge of the documents would be so good, I want to put to you 607 PS.

(The witness was handed a document)

THE PRESIDENT: He has already been cross-examined upon this letter, has he not?

MR. ROBERTS: I didn't think the letter was read or was dealt with sufficiently. I believe your Lordship thinks it was.

THE PRESIDENT: The letter was put to him. I do not know whether it was actually read.

MR. ROBERTS: I shall be guided by the Court entirely. I know the matter was touched upon. I felt perhaps the letter should be read but I may be quite wrong.

THE PRESIDENT: I am told it was not read but the two letters were put to him.

MR. ROBERTS: I agree.

H0080 - 0086

If your Lordship would be good enough to bear with me for a very few minutes I can perhaps deal with the matters I think should be dealt with.

BY MR. ROBERTS:

Q You will see that on the 20th of May, 1942 -- this is your letter to "Wolffy", isn't it, that is Obergruppenfuehrer Wolff, and that is signed by you isn't it?

A Yes, I have signed it. That is the letter which, as I said this morning, was presented to me by the Medical Inspection and from which it can be seen that we wanted to withdraw from that whole affair but it just had a polite form.

Q The point of the letter is, if I may summarize it, that you say:

"In reference to your telegram of the 12 of May, our Sanitary Inspector" -- that is probably not very well translated.

THE PRESIDENT: Mr. Roberts, if I remember right, when these letters were put to the witness he said he had not read them; that he signed them without reading them.

MR. ROBERTS: Well, my Lord, perhaps I had better leave the matter if your Lordship thinks I am going over ground which has been trodden too often.

BY MR. ROBERTS:

Q Are you asking this Tribunal to believe that you signed these two letters to Wolff, who was liaison officer, was he not, between -- who was Wolff?

A No, Wolff was no liaison officer. He was the adjutant of Himmler and according to this he had sent a telegram to us, apparently directly to the Sanitation Inspector and now this man answers through me, I could not say for what reason, but because it did not seem practical that he should answer directly.

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I have said in the interrogations that I have signed these letters; that these letters, however, did not come from my office, were not dictated in my office but that they were written on my stationery. That was generally done as an answer of the Sanitaetsinspektion. I had nothing to do with our experiments with the Luftwaffe, with altitude, pressure chambers or undercooling or sanitation inspection, or anything as to experiments of the SS.

Q Did you know that these pressure chamber experiments were being carried out with human bodies, human souls, provided by Dachau?

A With whom it was done, that can be seen from the letter which the Sanitaetsinspektor presented to me. We made these experiments with our own officers in the Luftwaffe, who volunteered for it and we considered it as our affair that we were doing the experiments only with our own people on a voluntary basis. Therefore, we did not want the SS to make any experiments because the results which came from them did not interest us, The experimentshad already been made with our own men a long time ago. We did not need that at all. The SS was trying to meddle in a subject which they had nothing to do with and we did not understand why the SS wanted to do it.

Q Did not Himmler write you a letter -- the reference is short-hand note 1852 -- in November, 1942 (that is document 1617-PS) in which he says:

"Dear Milch: Experiments have been carried out, both high pressure and cold water experiments --" and that he, Himmler, provided asocial persons and criminals from concentration camps? Do you remember that letter?

A This letter was shown to me and I have no recollection of this letter. I do not know why Himmler wrote to me at all. These letters went from my office, without my seeing them, to the respective office, that is Sanitaetsinspektion. From there the answer came via my office but I was not in a position to say anything about it because I did not know what it was all about nor could I judge from the medical point of view what they were doing.

H0080 - 0088

Q If you say you know nothing about letters which you signed I cannot carry the matter any further.

Now I want to deal with the last point.

A I had to sign several hundred letters per day and I could not always know what they were about in detail because that required a special knowledge which I did not possess. I only signed this in order to assist the Sanitaetsinspektor, who for some reason did not want to sign it himself and to take the responsibility.

Q Very well, I am leaving that point.

Now then, the last point. You said on Friday that a German General had been executed for looting jewelry. Where did the looting take place?

A I cannot say that. I t seems to me as if that had been in Belgrade. The name of the general is General Wafer. That I remember.

Q It was jewelry looted from Belgrade?

A That I cannot say. I only know what I have said on Friday.

Q So the German authorities regarded the death penalty as a suitable one for looting; apparently that is right.

A I could not hear that question.

Q Well, perhaps it was a comment. I will ask you the next question.

What was the value of the jewelry which was looted?

A I can only say I do not know how it was stolen nor what was stolen nor how much it was, what it amounted to; only the fact that they were supposedly jewels which he took and for that he received the death penalty.

Q Did Goering ever speak to you about his art collection he was getting from occupied countries?

A I don't know anything about that.

Q May I read you a peace of evidence, shorthand note 2317, and it is an order of Goering signed on the 5th of November, 1940.

"Goering to the Chief of the Military Administration in Paris and the Einsatzstab Rosenberg: To dispose of the art objects brought to the Louvre in the following priority:

"First, those art objects ---"

THE PRESIDENT: Mr. Roberts, he has never seen this document and he

H0080 - 0089

says he knows nothing about it.

MR. ROBERTS: If your Lordship please, if you do not think I should put it to him--

Q You say Goering never discussed with you his art collection?

H0080 - 0090

A No.

Q Did you not know that valuable art objects, inventoried to the amount of over 21,000 objects, were taken from the western occupied countries?

A No, that is not know to me.

Q What ought the General who looted the jewellery, perhaps from Belgrade, have done with it, given it to the Fuehrer, or given it to Goering?

A I ask to be relieved from answering this question.

BY GENERAL RUDENKO:

Q Will you please tell me when you heard of the planning of war by Hitler against the Soviet Union? In January 1941?

A In January I heard, as I said Friday, from Reichsmarshal Goering, that Hitler had told him he expected an attack from Russia. Then for several months I did not hear anything about the whole thing until by coincidence I found out from a subordinate that a war with Russia was imminent and preparations concerning the clothing of the troops had been started.

Q Did you know about or were you acquainted with the Barbarossa Plan?

A I heard the name, the word, and I saw the plan as such demonstrated in a conversation with the Fuehrer one or two days before the attack, with the Army groups and Army commanders.

Q And when did this take place, one day or two days before the invasion?

A I can tell you the date exactly in one second.

Q Please do.

A On the 14th of June. That is about eight days before the attack which took place on the 22nd.

Q And before that, you did not hear of this plan and you did not see it.

A I say that I probably heard the name Barbarossa, the word,

H0080-0091

before, but only shortly before.

Q And how long before?

A I cannot say that because during the entire months of January, February, March and also in April, most of the time I was outside of Germany and I only returned in May. I was in Africa, in Greece, Yugoslavia, and the West, also.

Q I am interested in the period when you were in the High Command of the German Air Force.

A December 1940.

Q So?

A Only partly. Part of the time I was in France and in Italy.

Q And where were you in January 1941?

A At that time I was in the West, and as far as I know, not in Germany.

Q But you just told us that in January 1941 you had a talk with Goering regarding the plan of war against the Soviet Union.

A Yes, I--

Q In January 1941?

A Yes, on the 13th of January, but I cannot say any more whether I spoke to Goering in France or whether it was via cable, via telephone, or whether I was in Germany for a day or two. That I cannot say. I didn't mark it down.

Q Please forgive me. What has a telephone conversation to do with an attack on the Soviet Union?

A There was only mentioned an attack by Russia against Germany.

Q You mean this question of an attack of the Soviet Union against Germany was also discussed by telephone?

A No, I have said nothing like that. I just say that I do not know whether I received the information by special cable which could not be tapped, or whether the Reichsmarshal told me that in France, or whether I was in Germany for one day.

H0080-0092

Q Yes. And when did you discuss this question with Goering, and when did Goering express his apprehensions as to this war against the Soviet Union?

A That was on the 22nd of May.

Q The 22nd of May, 1941?

A '41, yes.

Q And where was this question discussed?

A Close to Nurnberg, in Feldenstein.

Q Did you discuss this question with Goering alone, or was anybody else present at this conversation?

A At that time only with Goering. We were alone.

Q And you assert that Goering did not wish to go to war with Russia?

A That was my impression.

Q So. And why did Goering not want this war against the

H0080 - 0093

Soviet Union? This was a defensive war?

A Goering was opposed to such a war because he knew --

Q He was also opposed to a defensive war?

A He was against any war, a war of any kind, personally.

Q That is strange. Maybe you will be able to give me precise reasons why Goering did not wish war against the Soviet Union.

A Because a war on two fronts, especially war against Russia, as I saw it, meant the loss of the war, and I believe that just as I did, many other soldiers and men saw it that way.

Q You were also personally an opponent of this war against the Soviet Union?

A A very outspoken opponent, a definite opponent.

Q Strange. Your explanations are not very conclusive. On the one hand, you assert it was a question of aggressive war of the Soviet Union against Germany, and on the other hand you say that the German officers did not wish war with the Soviet Union.

A May I explain again: On the 13th of January Goering told me that Hitler had the impression Russia wanted to go against Germany. That was not the opinion of Goering, I assume and not mine, but it was the opinion which Hitler had mentioned as his own.

Q Forgive me. Do I understand that neither you nor Goering believed this opinion of Hitler's?

A I can only speak of myself. Also, in my close circle, I said openly that I didn't believe that Russia would go against us.

What Goering thought about it I could not say, because he did not talk to me about it. You would have to ask him personally.

Q Yes, and I will ask you now. You mean that personally you did not believe in Hitler's opinion? You mean that Goering's opposition to war was to war against the Soviet Union?

A On the 22nd of May, when I talked to Goering about this question and asked him with great urgency to avoid a war against Russia, to speak to Hitler about it, Goering told me that he had expressed the same arguments to Hitler, but it was not possible to change Hitler's mind; Hitler's decision was firm and there was no power in the world which could change it.

H0080 - 0094

Q I understand. You mean that Goering, speaking against war with the Soviet Union, meant that it was incompatible with war against England, that he wished to prevent a two-front war?

A From the military point of view, certainly, but I believe that if it wouldn't have come to war at that time, it would not have come to it later.

Q And you admit seriously that it is possible to speak of a preventive war for such a long time, and on the other hand to elaborate the Barbarossa Plan and all the instructions which followed? Do you seriously believe in the preventive character of such a war?

A I do not understand the sense of the question.

Q Do you think that one can explain on one hand that Russia wanted to commit an aggressive war against Germany, and on the other hand, if one takes into consideration the official date of this document, in the earlier part of December 1940 they began to prepare plans of war against the Soviet Union?

A Well, I can only volunteer the opinion that Hitler really believed that, that he said, "By preventive war I have to stave off the attack by Russia," but that has nothing to do with my opinion. I did not definitely believe that Russia would attack us. I could not see the whole picture, but I did not believe definitely that Russia would do it, from their own Russian interests, which I tried to understand.

Q I understand.

I would like to put a few questions with regard to the prisoners of war. There has already been mentioned here the calling up of Soviet prisoners of war for work in the aircraft industry.

A Yes.

H0080-0095

Q How do you consider it when prisoners of war are compelled to work against their own country? What do you think of that?

A It is, of course, a very bad thing, an ugly thing. However, so far as I know, that has been done by all other nations against our prisoners of war.

Q I am talking of Germany now. You say that is an ugly thing. Isn't that a rather weak answer?

A It depends upon what all the others do. All laws concerning warfare--

Q (Interposing): I would like you to answer my question. I am speaking of the action of the German Supreme Command. Do you consider that these actions were in violation of the rules of international law?

A This question, so far as the legality is concerned, was never clear to me and it isn't clear to me today. I only know that orders were given to use them, and in the fight for our very existence, to lead this fight also with the help of these men and women.

Q Do you consider that this order was a just order?

A I cannot judge that; that depends upon conditions.

DR. LATERNSER (Counsel for the General Staff and the OKW): Mr. President I ask to have the question and answer deleted from the record. The witness was asked to give a legal opinion, which is not his job. Since the question is not admissable, the answer should not be admissible either.

THE PRESIDENT: General Rudenko?

GENERAL RUDENKO: I would like to say that I did not know that the witness did not know whether this was a violation of international law or not. I had every reason to believe that the witness was competent to answer this question because, at the beginning of his statement today, this witness had enumerated ten rules of international law which were given to the German soldiers. I thought that, therefore, the witness could really answer the questions concerning the rules of international law.

In this case, as to the problem of the utilization of prisoners of war-- if the Tribunal considers that this question is unnecessary, I will certainly retract it.

THE PRESIDENT: The question might have been framed differently, as to

whether it wasn't a breach of the rules which he had gotten in his pay book. However, as to international law, that is one of the matters which the Tribunal has got to decide, and upon that, of course, we don't wish the evidence of witnesses.

GENERAL RUDENKO: Yes.

I still have two questions to put to this witness.

THE PRESIDENT: We wanted to rise at half-past four. If it is your intention to ask some more questions, perhaps we had better rise now, or, have you finished?

GENERAL RUDENKO: We had better call a recess now, because I still may have a few questions to put to this witness.

(The Tribunal adjourned until 12 March 1946 at 1000 hours.)

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